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1903

GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED AT THE SEVENTH SESSION

OF THE

STATE LEGISLATURE.

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE.

BOISE. IDAHO.
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1903.

GENERAL LAWS

OF THE

STATE OF IDAHO.

HOUSE BILL NO. 1.

AN ACT

TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYEES AND FOR THE GENERAL EXPENSES OF THE SEVENTH SESSION OF THE LEGISLLATURE OF THE STATE OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of fifty thousand ($50,000) dollars or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated, for the purpose of paying the compensation due the officers, members and employees, and for the general expenses of the Seventh Session of the Legislature of the State of Idaho: *Provided,* That after all expenses of the Seventh Session of the Legislature of the State of Idaho are paid, any and all moneys of this appropriation remaining as a surplus appropriation shall revert back to the general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and required, upon the presentation to him of the certificate of the presiding officer of the House of which the person therein named, is a member, officer or employee, that the party mentioned in the certificate is entitled to compensation to the amount therein stated, to draw his warrant on the general fund of the State Treasury for the amount so certified as due.

SEC. 3. Whereas an emergency exists therefor this act shall take effect and be in force from and after its passage and approval.

Approved the 16th day of January, 1903.

HOUSE BILL NO. 4.

AN ACT

RELATING TO REVENUE FROM THE TAXATION OF MINES, THE IMPROVEMENTS THEREON AND THE NET PROFITS DERIVED THEREFROM.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. All mines and mining claims, both placer and rock in place containing or bearing gold, silver, copper, lead, coal, or other valuable mineral or metal deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof of said mine or mining claim is used for other than mining purposes and has a separate and independent value for such other purposes, in which case said surface ground or any part thereof so used for other than mining purposes shall be taxed at its value for such other purposes, and all machinery used in mining and all property and surface improvements upon mines or mining claims, which have a value separate and independent of such mines or mining claims and the net annual proceeds of all mines and mining claims shall be taxed.

SEC. 2. Every person, corporation or association engaged in mining upon any quartz vein or lode, or placer mining claim containing gold, silver, copper, lead, coal or other precious and valuable minerals or metals or mineral or metal deposits must between the first day of January and the first day of May in each year make out a statement of the net profits derived from the mining of said metals or minerals from each mine or mining claim owned or worked by such person, or from each group of mines or mining claims worked by a common system of development, during the year preceding the 1st day of January, such statement must be verified by the oath of such person or superintendent or managing agent of such corporation or association, who must deliver the same to the assessor of the county in which such mines are situated.

SEC. 3. The assessor must prepare at the time of the preparation of the general assessment work, another assessment book called "The Assessment Book of the Net Profits of Mines," alphabetically arranged, in which must be listed the net profits of all the mines in his county and

in which must be specified in separate columns and under appropriate heads:

(1) The name of the owner or owners of the mines.

(2) The name, description and location of the mine.

(3) The number of tons extracted during the year.

(4) The gross yield or value in dollars and cents.

(5) The actual cost of extracting the same from the mine.

(6) The actual cost of transportation to the place of reduction or sale.

(7) The actual cost of reduction or sale.

(8) The cost of construction of betterments and repair of mines and reduction works during the year.

(9) The net profits in dollars.

(10) The total amount of taxes.

SEC. 4. The term "net profits" as employed in this act means the amount of money received from the mining of said metals or minerals from said mine or mining claim after the deduction of the actual expenditure of money and labor in and about extracting the metals and minerals from the mine or mining claim and transporting the same to the mill, concentrator or reduction works, and the reduction thereof and the conversion of the same into money, or its equivalent, and also the deduction of all moneys expended for necessary labor, machinery and supplies needed and used in the mining operations, for the improvements necessary in and about the mine or mining claim, for reducing ores, for the construction of the mills and reduction works used and operated in connection with the mine or mining claim, for transporting the ore, and for extracting the metals and minerals therefrom, but the money invested in the mine or improvements made during any year except the year immediately preceding such statement must not be included therein. Such expenditures do not include the salaries, or any portion thereof, of any person or officers not actually engaged in the working of the mine or personally superintending the management thereof.

SEC. 5. Where the same person or company or association is operating two or more mining claims under one general system of mining or development, the product of which group of mines is mingled and treated as one min-

ing operation, the statement of the owner provided herein to be made and the assessment provided herein to be made by the assessor shall be made as to such entire group, and need not be made as to each particular mining claim constituting said group.

SEC. 6. The duties of the assessor, county auditor, State Board of Equalization and the county board of equalization as to the assessment of the net profits of mines, the statements and returns to be made, the equalization thereof and other official acts, are the same as those provided by the laws of this State for the assessment of other property.

SEC. 7. If any person, corporation or association engaged in mining as mentioned in this act, refuses or neglects to make and deliver to the assessor of the county where the mines are located, the statement mentioned in this act, such assessor must list the property and assess according to his knowledge and information, the amount of said tax in the manner provided by the law for the assessment of other property, where no statement is furnished.

SEC. 8. The assessor after such statement has been rendered shall have the right to examine the books and accounts of any person, corporation or association engaged in mining as mentioned in this chapter in order to verify the statement made by such person, corporation or association, and if from such examination he finds such statement false, he must assess the net proceeds in the same manner as if no statement had been made and delivered, by making an estimtae from the best sources within his reach, and if satisfied that the false statement was intentionally so made he shall add as a penalty therefor, to the amount of the net proceeds so found by 50 per cent thereof which amount thus increased shall constitute the sum upon which the taxes must be levied and collected, and such assessment shall be binding, effectual and lawful and the value so fixed by the assessor shall not be reduced by the county board of equalization.

All information derived from any examination of the books and accounts made pursuant to this act by the assessor, or any one acting for him or representing him, shall be deemed to be and held as confidential communications

not to be communicated to any other person by the person making such examination, or any one to whom the knowledge of such examination or facts therein disclosed shall come, except that it becomes necessary as a part of the performance of the public duty of such person to disclose the same in any proceeding affecting the validity of said assessment or taxation or for the prosecution for perjury of the person required to make the statement mentioned in this act. And any person or officer making such disclosure or violating such confidence, except as herein provided, shall be deemed guilty of a felony and upon conviction thereof shall be removed from office and punished as in case of other felonies.

Nothing in this act contained must be construed so as to exempt from taxation, improvements, buildings, erections, structures or marchinery placed upon any mining claim or used in connection therewith.

SEC. 9. The tax mentioned in the preceding sections must be collected and payment thereof enforced as the collection and enforcement of other taxes are provided for, and every such tax is a lien upon the mine or mining claim from which the ores or minerals are extracted, which lien attaches on the second Monday of January of each year, and the sale thereof for delinquent taxes may be made as provided for the sale of real estate for delinquent taxes.

SEC. 10. If any one herein required to make a statement, shall knowingly and wilfully swear to any false statement contained therein, then such person shall be guilty of perjury and shall be prosecuted and punished as provided for in other cases of perjury.

SEC. 11. All acts and parts of acts in conflict herewith or inconsistent with this act are hereby repealed.

SEC. 12. Whereas an emergency exists therefor, this act shall take effect immediately from and after its passage.

Approved the 17th day of February, 1903.

HOUSE BILL NO. 11.

AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS AGAINST THE STATE AND THE "BOARD OF TRUSTEES OF THE ACADEMY OF IDAHO" FOR SUPPLIES FURNISHED, AND FOR SERVICES RENDERED DURING THE FISCAL YEAR END-

ING JANUARY 11TH, 1903, TO THE ACADEMY OF IDAHO, FOR WHICH NO APPROPRIATION HAS BEEN MADE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of six thousand five hundred fifty-four and 56-100 dollars ($6,554.56) is hereby appropriated for the payment of claims against the State and the "board of trustees of the Academy of Idaho" for supplies furnished and for services rendered during the fiscal year ending January 11, 1903, to and for the Academy of Idaho, for which no sufficient appropriations have heretofore been made, as follows:

Allowed.

1902.

Oct. 15—B. A. McMillen, agent, furniture, per bill rendered	$	523 44
Underwood Typewriter Co., 2 typewriters $140, less expressage $7.20		132 80
Wyckoff, Seamens & Benedict, 2 typewriters		140 00
Wyckoff, Seamens & Benedict, 6 tables, $24, less freight $0.42		23 58
Smith Premier Typewriter Co., 2 typewriters $140, less expressage $2.25		137 75
Idaho Furniture Co., blinds for building, supplies, etc., as per bill		68 70
A. H. Brown, setting up furniture		8 25
Pocatello Tribune, printing annual catalogue, supplies		171 65
V. C. Roeder, stationery supplies		13 65
Pocatello Advance, printing		18 50
J. W. Faris, cash advanced for postage and supplies		34 01
P. Hannifan, cash advanced for freight and drayage		15 70
H. Dinwoodey Furn. Co., book case		17 32
A. B. Bean & Co., hardware supplies		20 65
R. Service & Co., sidewalk		180 20
John Preece, grading grounds		25 60
Geo. A. Greene, plumbing on building		164 15
W. K. Morrison, wiring building		194 00
J. M. Bennett, cash advanced for freight and supplies		144 25

	Mrs. J. B. Kinport, insurance on $10,000..	192 00
	Cleman & Davis, insurance on $10,000....	192 00
Nov.	8—P. Hannifan, cash advanced for freight and drayage	56 30
	American School Furn. Co., furniture as per bill	133 15
	Wyckoff, Seamens & Benedict, 1 typewriter $70, 2 tables $8.....	78 00
	Smith-Premier Typewriter Co., 1 typewriter $70, 8 copyholders $11.....	81 00
Dec.	30—Pocatello Advance, printing.....	11 75
	Idaho Furn. Co., 8 tables.....	22 00
	J. W. Faris, cash advanced for freight and supplies	14 66
	R. Service & Co., coal $91.36, lumber $7.65	99 01
	A. B. Bean & Co., hardware supplies.....	8 45
	V. C. Roeder, stationery supplies.....	16 00
	Denver Lithograph Co., record book.....	17 00
	Pocatello Water Co., water for Sept., Oct., Nov., Dec.....	1 65
	Alex Houlahan, expense as trustee, 2 trips $52 and $55	107 00
	J. U. Stucki, expense as trustee.....	14 00
	Thomas E. Bassett, expense as trustee...	10 70
	H. D. Cheney, teacher's salary for Sept., Oct., Nov., Dec.....	433 32
	I. E. Hill, teacher, salary for Sept., Oct., Nov., Dec.....	400 00
	E. J. Norton, teacher, salary for Sept., Oct., Nov., Dec.....	400 00
	J. W. Faris, principal, salary for July, Aug., Sept., Oct., Nov., Dec.....	999 99
	G. Norby, janitor for Sept. 10 to Jan. 1st	220 00
	Charles E. Weirman, balance on contract for building	728 80
	Total to Jan. 1, 1903.....	$6,270 98
1903.		
Jan.	1—H. D. Cheney, teacher, salary to Jan. 12, end of fiscal year.....	54 16
	I. E. Hill, teacher, salary to Jan. 12, end fiscal year	50 00

E. J. Norton, teacher, salary to Jan. 12, end fiscal year	50 00
J. W. Faris, principal, salary to Jan. 12, end fiscal year	83 33
G. Norby, janitor, salary to Jan. 12, end fiscal year	30 00
Expense, incidentals to January 12	16 09
Total	$6,554 56

The fund so created shall be known as "The Academy of Idaho Deficiency Fund" and the State Treasurer shall pay out of such fund only upon orders or drafts drawn by the State Auditor against such fund, which said orders or drafts shall be based upon certificates on the secretary and countersigned by the president of said board of trustees and approved by the State Board of Examiners.

No such certificate shall be given except upon accounts for such supplies and services duly audited and allowed by said board of trustees.

SEC. 2. Whereas, an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved the 5th day of February, 1903.

HOUSE BILL NO. 12.

AN ACT

TO AMEND SECTION TWO THOUSAND FOUR HUNDRED AND TWENTY-SIX OF CHAPTER I, TITLE II, OF THE REVISED STATUTES, EIGHTEEN HUNDRED AND EIGHTY-SEVEN, OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2426 of Chapter I, Title II, of the Revised Statutes of Idaho, 1887, be amended to read as follows:

Section 2426. A subsequent marriage contracted by any person during the life of a former husband or wife of such person, with any person other than such former husband or wife is illegal and void from the beginning unless:

1. The former marriage of either party has been annulled or dissolved more than six months;

2. Unless such former husband or wife was absent and not known to such person to be living for the space of five

successive years immediately preceding, or was generally reputed to be, and was believed by such person, to be dead at the time such subsequent marriage was contracted; in either of which cases the subsequent marriage is valid until its nullity is adjudged by a competent tribunal.

Approved the 14th day of February, 1903.

HOUSE BILL NO. 18.

AN ACT

TO REGULATE THE PURCHASE, SALE AND TRANSFER OF STOCKS OF GOODS, WARES AND MERCHANDISE IN BULK, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of every person who shall bargain for or purchase any stock of goods, wares or merchandise in bulk, for cash or credit, to demand and receive from vender thereof, and if the vender be a corporation, then from a managing officer or agent thereof, at least five days before the consummation of such bargain or purchase, and at least five days before paying or delivering to the vender any part of the purchase price or consideration therefor, or any promissory note or other evidence of indebtedness therefor, a written statement under oath containing the names and addresses of all of the creditors of said vender, together with the amount of indebtedness due or owing, or to become due or owing by said vender to each of such creditors, and if there be no such creditors a written statement under oath to that effect; and it shall be the duty of such vender to furnish such statement at least five days before any sale or transfer by him of any stock of goods, wares or merchandise in bulk.

SEC. 2. After having received from the vender the written statement under oath mentioned in Section 1 of this act, the vender shall, at least five days before the consummation of such bargain or purchase, and at least five days before paying or delivering to the vender any part of the purchase price or consideration therefor, or any promissory note or other evidence of indebtedness for the same, in good faith notify or cause to be notified, personally or by wire, or by registered letter, each of the creditors of the vender named in said statement, of the proposed pur-

chase by him of such stock of goods, wares or merchandise; and whenever any person shall purchase any stock of goods, wares or merchandise in bulk, or shall pay the purchase price or any part thereof, or execute or deliver to the vender thereof or to his order, or to any person for his use, any promissory note or other evidence of indebtedness for said stock, or any part thereof, without having first demanded and received from his vender the statement under oath as provided in Section 1. of this act, and without having also notified or caused to be notified all of the creditors of the vender named in such statement, as in this section prescribed, such purchase, sale or transfer shall, as to any and all creditors of the vender, be conclusively presumed fraudulent and void.

SEC. 3. Any vender of a stock of goods, wares or merchandise in bulk, who shall knowingly or wilfully make or deliver, or cause to be made or delivered, any false statement, or any statement of which any material portion is false, or shall fail to include the names of all of his creditors in any such statement as is required in Section 1. of this act, shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

SEC. 4. Any sale or transfer of a stock of goods, wares or merchandise out of the usual or ordinary course of the business or trade of the vender, or whenever thereby substantially the entire business or trade theretofore conducted by the vender shall be sold or conveyed or attempted to be sold or conveyed to one or more persons, shall be deemed a sale or transfer in bulk, in contemplation of this act: *Provided,* That nothing contained in this act shall apply to sales by executors, administrators, receivers or any public officer acting under judicial process.

Approved the 12th day of February, 1903.

HOUSE BILL NO. 20.

AN ACT

ENTITLED AN ACT TO ESTABLISH THE IDAHO INDUSTRIAL REFORM SCHOOL FOR THE CARE, PROTECTION, TRAINING AND EDUCATION OF DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN, AND PROVIDE FOR THE COMMITMENT, CONTROL AND DISCHARGE OF JUVENILE OFFENDERS. TO PROVIDE FOR THE ISSUANCE, SALE AND REDEMPTION OF BONDS, TO RECEIVE MONEY FOR THE PURCHASE OF A FARM WITH WATER RIGHTS, TO ERECT AND

EQUIP THE NECESSARY BUILDINGS FOR SAID SCHOOL, TO SET ASIDE CERTAIN PUBLIC LANDS FOR THE CREATING OF A PERMANENT MAINTENANCE FUND FOR SAID SCHOOL, TO PROVIDE FOR A BOARD OF TRUSTEES FOR THE MANAGEMENT AND CONTROL OF SAID SCHOOL, AND TO APPROPRIATE FUNDS FOR THE MAINTENANCE THEREOF.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That a State Industrial Reform School is hereby established in Fremont county, State of Idaho, to be called "The Idaho Industrial Reform School," and to be located at such place and in such manner as hereinafter provided, the purposes of such school shall be for the care, protection, training and education of delinquent, dependent and neglected children and provide for the care, control and discharge of juvenile offenders.

SEC. 2. That a board of trustees to be known as the board of trustees of the Idaho Industrial Reform School, consisting of four members all of whom shall be appointed, two of whom shall be men and two of whom shall be women, no more than two of whom shall belong to one political party, and no more than one from any one county, two of whom shall be interested in humanitarian work.

Said board of trustees shall be appointed by the Governor and confirmed by the Senate for the term of four years, and until their successors are appointed and qualified: *Provided,* That of the first board appointed, two shall hold office for two years and two for four years, the Governor and State Superintendent of Public Instruction to be ex officio members of the board of trustees.

Before entering upon the discharge of the duties of their respective offices, each member shall take and subscribe an oath, or affirmation, that he or she will support the Constitution of the United States, the Constitution of the State of Idaho, and will faithfullly discharge the duties of said office, which oath or affirmation shall be filed with the Secretary of State.

SEC. 3. The said board of trustees shall conduct its proceedings in such a manner as will best conduce to the proper dispatch of business. A majority of the board of trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

No member of said board of trustees shall participate in any proceedings in which he or she has personal or pecuniary interest. Every vote and official act of said board of trustees shall be entered on record.

Said board of trustees shall have an official seal, which shall be judicially noticed. Said board of trustees may sue and be sued, and may take in name of the State, and hold in trust for the school, any and all money, real estate or personal property that may be bequeathed said school.

SEC. 4. At their first meeting and biennially thereafter, the said board of trustees shall elect a president and secretary. The State Treasurer shall be an ex officio treasurer of said board of trustees. It shall be the duty of the secretary of said board to keep an exact and detailed account of the doings of said board, an itemized account of all expenditures authorized by said board.

SEC. 5. The said board of trustees are hereby authorized and it is made their duty to take and at all times to have general supervision and control of all buildings and property appertaining to said school; and to have general charge and control of all buildings to be constructed. They shall have power to let contracts for the erection of all buildings, and also the entire supervision of their construction.

All buildings for housing the pupils shall be on "cottage plan:" for the better grading of inmates, each cottage shall accommodate not more than twenty-five persons.

SEC. 6. Said board of trustees shall hold two meetings at said school, annually, but special meetings may be called by the president of the board, sending written notices of at least ten days to each member. The actual and necessary personal expenses for mileage and board incured by the members of said board of trustees in carrying out the provisions of this act shall be paid on proper certificates out of any funds belonging to said school in the hands of the treasurer.

SEC. 7. All funds appropriated for the use and benefit of said school from every source, including the available interest arising from investment of the proceeds of the sale of lands set apart as hereinafter provided for, shall be under the control and direction of said board of trustees, subject to the provisions herein contained.

The treasurer of the board of trustees shall pay out of such funds all orders or drafts for money to be expended under provisions of this act.

Such orders or drafts shall be drawn by the State Auditor upon certificates of the secretary, countersigned by the president of the board of trustees, and shall be approved by the State Board of Examiners.

No such certificates shall be given except on accounts audited and allowed by said board of trustees.

SEC. 8. The board of trustees shall appoint a superintendent, who shall be especially fitted for the position, one experienced in such work as intended to be carried on in this school, who shall be retained as long as his work is bringing good results, irrespective of political affiliations.

SEC. 9. The superipntendent shall, before entering upon the duties of his office, give a good and sufficient bond, to be approved by the board of trustees, conditioned for the faithful discharge of his duties. The superintendent may be removed by the board of trustees for neglect of duty, improper conduct, malfeasance in office, incompetency, or whatever the interests of the school shall be best subserved thereby. The board of trustees shall on recommendation of the superintendent, appoint an assistant superintendent, who may be removed by the superintendent.

All officers, teachers and employees shall be appointed by the superintendent by and with the advice and consent of the board of trustees; and such officers, teachers and employees may be removed by the superintendent whenever the interest of the school will be best subserved thereby.

SEC. 10. All teachers, except specialists, shall hold first-class certificates from the State Superintendent of Public Instruction. Specialists shall hold diplomas from some accredited school in their specialty.

SEC. 11. The superintendent shall conduct the said school under rules and regulations prescribed by the board of trustees, and said board of trustees shall fix the salaries of all officers, teachers and the wages of all employees.

SEC. 12. The superintendent shall at the close of each month present to the board of trustees a written report showing the general condition of the school, the number of inmates in attendance, the number of tickets of leave

granted and such other information, together with such suggestions and recommendations as may be to the best interests of the school. He shall have charge of all property belonging to the school, and shall keep an account of all monthly expenditures, and the receipts shall be certified to the president of the board with the social condition of each inmate at the time of commital.

SEC. 13. The superintendent shall provide for the holding of religious services on the Sabbath day for the inmates of said school, but no sectarian views shall control the services.

SEC. 14. That the State Superintendent of Public Instruction shall prepare courses of study for all grades in the school.

SEC. 15. That the said school with all appurtenances thereto shall be and it is hereby declared to be an independent school district, and shall not be taxed for other school purposes.

SEC. 16. It shall be the duty of the Governor to fill by appointment all vacancies that may from any cause occur in the board of trustees: *Provided,* That he shall appoint the new member from the same political party of the retiring member.

SEC. 17. The president and secretary of the board of trustees shall on the first day of January and July of each year, transmit to the Governor of the State a full written report of the doings of said board of trustees, the progress and condition of said school, together with a full report of the expenditures and receipts for the previous six months, setting forth each item in full, the date thereof, and such recommendations as they deem proper for the good of the school.

They shall submit on the first day of December of each biennial year a printed report of all proceedings for the last biennial period: *Provided,* Failure to file a printed report as required shall mean forfeiture of bond.

SEC. 18. The board of trustees in their regulations and the superintendent and assistants shall exercise a watchful guardianship over the morals of the pupils at all times during their attendance upon same, but no religious or sectarian test shall be applied in the selection of teachers and none adopted in the school.

SEC. 19. That the State Board of Land Commissioners are hereby directed and it is made their duty to set aside sixty thousand (60,000) acres of lands granted to the State of Idaho by the act of congress, entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3, 1890, for other State, charitable, educational or penal and reformatory purposes, for the exclusive use and benefit of said school.

Said lands to be held, disposed of, and the proceeds thereof used and applied for the benefit of said school, subject to the provisions of said admission act and the Constitution of the State of Idaho, and so far as may be practicable, in conformity with the established proceedure of holding, disposing of and applying the proceeds of lands granted to the common schools of the State of Idaho. The Board of Land Commissioners are directed to immediately set aside sixty thousand (60,000) acres of said lands, if selected, and if not selected, to use the utmost dispatch in selecting and setting aside the same.

The Board of State Land Commissioners are hereby directed to provide separate record books in proper form to be known as "Idaho Industrial Reform School Records," in which shall be kept all records of matters relating to said lands.

SEC. 20. That for the purpose of purchasing a farm, erecting the necessary buildings and equipping same, for said school, a loan of fifty thousand ($50,000) dollars is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho and the State Treasurer is hereby authorized, directed and empowered to issue fifty bonds of the State of Idaho, in the sum of one thousand ($1,000) dollars each, payable in fifty years from the date of issuance, to bear interest at a rate not to exceed four per cent per annum, payable semi-annually on the first of April and October of each year at a bank in New York City; to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of issuance.

Said bonds shall be numbered from one to fifty consecutively.

SEC. 21. The State Treasurer is hereby authorized, em-

powered, and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached, all such bonds shall be signed by the Secretary of State with his own proper name and shall affix his official character, and authenticated with the great seal of the State of Idaho, and shall be countersigned by the Governor with his own proper name and he shall affix his character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds, showing the number and amount of each bond, and shall then be delivered to the State Treasurer, who shall be charged on the official books of the State Auditor's office with amount of such bonds.

SEC. 22. At the time of the issuance of such bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name and affix his character and shall in like manner sign the coupons attached, and such signing shall bind the State.

The coupons for the payments of the interest, shall be taken off without injuring or mutilating the bonds, and shall be severally numbered from one (1) to fifty (50) inclusive each bearing the corresponding number of the bond to which it is attached.

The State Treasurer shall keep a register of all bonds issued by him, showing the date of issuance, and shall deliver said bonds with the coupons attached as aforesaid, to the purchaser or purchasers upon the receipt of the purchase money thereof; and the money received from the sale of the bonds herein provided for, shall be used for the purchase of a farm not less than 200 acres of land capable of irrigation, with a permanent water right, and for the construction thereon of the cottages and other buildings and equipping the same therein provided for: *Provided,* That none of said bonds shall be sold for less than their face value, the expense of printing said bonds shall be paid out of the proceeds of said bonds.

SEC. 23. For the purpose of creating a fund to pay interest and principal of said bonds, an annual ad valorem tax of four mills on each one hundred ($100.00) dollars of the assessed valuation of all property in the State not exempt from taxation, is hereby levied, and shall be collected as other taxes for State purposes.

SEC. 24. If at any time there should not be sufficient money in the said Idaho Industrial Reform School Fund to pay the interest coupons on the principal of such bonds when due, the State Treasurer shall pay the same out of the general funds of the State, and shall replace the amount so paid out of the Idaho Industrial Reform School Fund whenever money for said fund shall be received.

SEC. 25. For the payment of bonds herein authorized and the interest thereon according to the strict terms thereof, the faith of the State of Idaho is hereby solemnly pledged; and for the payment of the interest thereon as same shall accrue on the bonds thereby authorized in lawful money of the United States, the Treasurer shall reserve any and sufficient funds in his hands, at the least possible cost, in preference to all other claims whatsoever, except the other bonds hereto authorized by the Legislature of Idaho.

SEC. 26. The Treasurer shall commence negotiations for the issuance and sale of the bonds herein provided for, immediately upon the passage and approval of this act.

SEC. 27. All juveniles sent to the Idaho Industrial Reform School shall be taught the common school branches as taught in the common schools of Idaho, together with such industrial and manual training in the boys' department, and domestic sciences in the girls' department, that the boys and girls shall be enabled to earn a living after being discharged therefrom.

SEC. 28. When any boy or girl of sane mind, between the ages of eight and eighteen years, shall in any court of record, or by any judge of the district court of this State, be found guilty of any crime except murder or manslaughter, or if for want of proper parental care, is growing up in mendicancy, vagrancy or incorrigibility, and complaint thereof is properly made and sustained by evidence, the court or judge may, if in his opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered for such boy or girl to be sent to the Idaho Industrial Reform School, in pursuance of the provisions of this act. A copy of such order under the seal of the court, accompanied by a certificate of health shall be sufficient warrant for carrying such boy or girl to said school, and for his or her commitment to the custody of the superintendent thereof.

SEC. 29. When a boy or girl of sane mind between the ages of eight and eighteen years shall be brought before a justice of the peace, probate judge or police magistrate of any county or town of this State, charged with any crime, or misdemeanor, or with mendicancy, vagrancy or incorigibility, it shall be the duty of such probate judge, justice of the peace or police magistrate before whom he or she may be brought, to forthwith investigate such charge and take such evidence as he may deem necessary, and, if after such investigation such probate judge, justice of the peace or police magistrate is of the opinion that such boy or girl is a proper person to be committed to the Idaho Industrial Reform School, he shall forthwith consign such boy or girl, together with all papers filed in his office on the subject, and a copy of his proceedings thereon, under the control of some officer, to the district judge of his district, who shall then issue an order to the parent or guardian of such boy or girl, or such other person as may have him or her in charge, or with whom he or she has last resided, or anyone known to be related to him or her, or if he or she be running friendless, then to such person as the judge may appoint to act as guardian for the purposes of such case, requiring him or her to appear at the place and time stated in said order, to show cause why such boy or girl shall not be committed to said Idaho Industrial Reform School for training and reformation.

SEC. 30. Such order shall be served by the sheriff or other qualified officer by delivering a copy thereof personally to the party to whom it is addressed, or by leaving it with some person of full age, at the place of residence or business of the said party, and immediate return thereof shall be made to said judge of the time and manner of such service.

SEC. 31. At the time and place mentioned in said order, or at the time and place to which the court may be adjourned, if the parent, or guardian to whom such order may be addressed, shall appear, then in his or her presence, or if he or she fail to appear, then in the presence of some competent person whom the judge shall appoint as guardian for the purposes of the case, it shall be lawful for the said judge to take a voluntary statement of said boy or girl, and to take such testimony in relation to the

case as may be produced; and if, upon such examination or hearing, such judge shall be satisfied that the boy or girl is a fit subject for the Idaho Industrial Reform School, he may commit him or her to said school by warrant. No boy or girl shall be committed to said school who is not of sound intellect, free from cutaneous or other contagious diseases, or who is subject to epileptic or other fits, and he or she must possess that degree of bodily health would render him or her a fit subject for the discipline of such school. And it shall be the duty of the court or judge committing any such boy or girl, to cause him or her to be examined by a reputable licensed physician, who shall certify to the above facts, which certificate shall be forwarded to said school with the commitment.

The commitment may be in the following form:

Order of Commitment.

State of Idaho, County of....., *ss.*

In the district court in and for the.....judicial district, in and for said county and State.

Be it remember, that on the....day of.....190.., a minor of said county, was charged on complaint of..... and brought before me, the undersigned judge of said court, and upon due proof I do find that the said..... is a suitable person to be committed to the instruction and discipline of the Idaho Industrial Reform School.

Now therefore, it is hereby ordered that the said..... be and is hereby committed to said school until.....attains the age of twenty-one years or until.....is legally discharged by the board of trustees of said school.

And I find upon hearing of said matter, that the said.... was charged with....., that.....is a resident said county, and of the age of.....years.

That.....father's name is....., he resides at.....in the State of....., by occupation a..... That..... mother's name is....., a resident of the State of....., by occupation a.....

The names of other near relatives and their residences are as follows.....

Witness my hand this....day of....., A. D. 190..

.....

Judge.

State of Idaho, County of....., *ss.*

I, clerk of the district court of the said district.....

do hereby certify that the Hon....., whose signature is appended to the foregoing order of commitment, was at the date thereof, and now is, the judge of the district court in and for said..... district.

In witness whereof I have hereunto set my hand and affixed the seal of said court this....day of..... A. D. 190...

(Seal.)

The certificate of health may be in the following form:

State of Idaho, County of....., *ss.*

....., being first duly sworn, deposes and says: That he is a practicing physician, duly licensed to practice medicine and surgery in the State of Idaho; that at the request of the Hon....., judge of the district court in and for said district, he made a careful medical examination, of ..... and as a result of said examination, he makes answer to the following questions correctly, to the best of his knowledge, judgment and belief:

Has.....a perfect vision?

Ans.....

Is.....of sound intellect?

Ans.....

Has.....sufficient bodily strength to receive instruction?

Ans.....

Has.....any tendency to scrofula or consumption?

Ans.....

Is.....perfectly free from cutaneous disorders?

Ans.....

Is.....subject to epileptic fits?

Ans.....

Has.....had the small pox?

Ans.....

Has.....been vaccinated?

Ans.....

Is.....of sufficiently sound of mind and bodily health to be a proper person to be committed to the Idaho Industrial Reform School?

Ans.....

Subscribed and sworn to me this....day of.....190..

(Seal.)

.....

Clerk.

SEC. 32. The judge shall certify in the warrant the place where the boy or girl resided at the time of his or her arrest; also his or her age, as nearly as can be ascertained, and command such officer to take such boy or girl and deliver him or her without delay to the superintendent of said school, or other person in charge thereof, at the place where the same is located, and the showing of such certificate for the purposes of this act shall be conclusive evidence of his or her residence or age; accompanying this warrant the judge shall transmit by the officer executing it, a statement of the nature of the complaint to the superintendent, together with such other particulars concerning the boy or girl as the judge is able to ascertain: *Provided,* That the expense of conveying said boy or girl shall be paid as in the case of other convicts to the penitentiary.

SEC. 33. The judge of any district court in the State may, either in chambers or in term time, proceed under the provisions of this act: *Provided,* That any proceedings had before the judge in chamber in any county at a time when the district court is not in session, shall be entered and recorded in the minutes of said court on the first day of the next ensuing term.

Any and all proceedings before the district court, judge thereof, may be reviewed on writ of error by the supreme court, and in the manner provided by law for reviewing criminal cases in said supreme court.

SEC. 34. Each boy or girl committed to the Idaho Industrial Reform School shall remain there until he or she arrives at the age of twenty-one years, unless paroled, or legally discharged: *Provided,* That it shall be lawful for the board of trustees upon the recommendation of the superintendent of said school to discharge any boy or girl, an inmate thereof, who has arrived at the age of eighteen years, if it be made to appear that while there as an inmate he or she deported him or herself in such a manner as to make it reasonably probable that he or she has reformed and is a proper person to be discharged.

SEC. 35. Whenever any boy or girl under the age of eighteen years has been sentenced by any court of competent jurisdiction to imprisonment in the State Penitentiary, it shall be lawful for the State Board of Pardons, upon the application of such boy or girl, his or her parents

or guardian, to commute such punishment by substituting therefor commitment of such boy or girl to the Idaho Industrial Reform School, during the minority of such boy or girl, unless sooner discharged by the board of trustees, under regulations as herein provided.

But should a boy or girl, after being sent to such school, persist in a depraved course or escape therefrom, it shall be in the power of the Governor, by and with the approval of the Board of Pardons, to revoke such commutation, and remand him or her to the State Penitentiary to serve out his or her unexpired term, and the time so spent by him or her at the said school, while a refugee therefrom, shall not be considered as a part of his or her original commitment.

SEC. 36. The board of trustees may at any time, if a boy or girl has been in the Idaho Industrial Reform School for a period of one year, discharge, or release such boy or girl, on trial or parole, but in all cases where a boy or girl is released on trial or parole, he or she must at stated intervals, report his or her conduct to the superintendent, and present certificates of good behavior; whereupon his or her leave may be extended.

It shall be the duty of the superintendent to recall any boy or girl who might not be conducting himself or herself properly, or any boy or girl who may not have a suitable home.

SEC. 37. Any fugitive from said institution may be arrested and returned to said institution by any officer or citizen.

SEC. 38. If any officer or employee of said school, or any other person shall contrive, procure, and connive at, or otherwise voluntarily suffer the escape of any inmate of said school, every such person on conviction thereof shall be punished by imprisonment in the State Penitentiary for a period of not less than six months, nor more than two years, and be fined in a sum not exceeding one thousand dollars.

SEC. 39. For the maintenance of the said school for the first two years, there is hereby appropriated out of the general funds of the State, fifteen thousand dollars, ($15,000.00), or so much thereof as may be needed, not otherwise appropriated.

SEC. 40. For the purpose of locating the Idaho Industrial Reform School at a particular place in Fremont county, State of Idaho, the power is hereby vested in the Governor of the State of Idaho to appoint a commission consisting of five members, all of whom shall be citizens of the State of Idaho, whose duty it shall be to carefully investigate any and all locations in said county offered or available and to secure such location as will in their judgment best subserve the interests of said school, which decision shall be final.

And the commission shall be allowed from the funds belonging to said school, sufficient moneys to pay their necessary expenses while in the discharge of their duty.

SEC. 41. All acts and parts of acts in conflict with this act are hereby repealed.

Approved on the 16th day of February, 1903.

HOUSE BILL NO 21.

AN ACT

TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO SUPPRESS CONTAGIOUS AND INFECTIOUS DISEASES OF SHEEP; TO CREATE THE OFFICE OF SHEEP INSPECTOR, AND DEPUTY STATE SHEEP INSPECTORS; TO PROVIDE FOR THE APPOINTMENT OF THE SAME AND TO FIX THEIR COMPENSATION; MAKING THE DOING OF CERTAIN ACTS A CRIME AND PROVIDING FOR THE PUNISHMENT OF THE SAME; AND FOR OTHER PURPOSES, AND REPEALING AN ACT ENTITLED "AN ACT TO SUPPRESS CONTAGIOUS AND INFECTIOUS DISEASES OF SHEEP; TO CREATE THE OFFICE OF STATE SHEEP INSPECTOR AND OF DEPUTY SHEEP INSPECTORS, TO PROVIDE FOR THE APPOINTMENT OF THE SAME AND FIX THEIR COMPENSATION; MAKING THE DOING OF CERTAIN ACTS A CRIME AND PROVIDING FOR THE PUNISHMENT OF THE SAME,AND FOR OTHER PURPOSES," APPROVED FEBRUARY 25, 1899, APPROVED MARCH 7, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an act entitled "An act to suppress contagious and infectious diseases of sheep; to create the office of Sheep Inspector, and Deputy State Sheep Inspectors; to provide for the appointment of the same and to fix their compensation; making the doing of certain acts a crime and providing for the punishment of the same; and for other purposes, and repealing an act entitled, "An act to suppress contagious and infectious diseases of sheep; to create the office of State Sheep Inspector

and Deputy Sheep Inspectors, to provide for the appointment of the same and fix their compensation; making the doing of certain acts a crime and providing for the punishment of the same, and for other purposes," approved February 25, 1899, approved March 7, 1901, be and the same is hereby amended to read as follows:

SEC. 2. The said sheep inspector shall receive as full compensation for his services a salary of twelve hundred ($1,200) dollars per annum and ten cents a mile for each mile actually traveled in the discharge of his official duties: *Provided,* The total amount of such mileage shall not exceed the sum of one thousand ($1,000) dollars for any one year; such compensation to be paid as the salary and fees of other State officers are paid and, *Provided, further,* That no mileage shall be allowed, to be paid out of the State Treasury, to said inspector in cases wherein payment of his expenses is otherwise provided for in this act. It shall be the duty of the State Sheep Inspector to have general supervision over his deputies appointed under the provisions of this act, and to aid, counsel and advise with such deputies, and generally to enforce the provisions of this act. The said sheep inspector shall have the same power within the entire State as the deputies appointed by him have in their respective districts and where the services of the State Sheep Inspector are demanded in a county or district other than that in which he resides, to settle differences between sheepmen and any deputy, it shall be the duty of said State Sheep Inspector to go and adjust such differences, and the said party or parties demanding such services shall pay the actual traveling expenses of said State Sheep Inspector.

SEC. 3. Whereas an emergency exists this act shall be in force from and after its passage.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 24.

AN ACT

ENTITLED AN ACT TO AUTHORIZE AND EMPOWER CITIES, TOWNS, AND VILLAGES WITHIN THE STATE OF IDAHO TO CONSTRUCT, MAINTAIN, AND OPERATE A SEWERAGE SYSTEM AND SEWERAGE DISPOSAL WORKS, APPOINTING A COMMITTEE THEREFOR, AND DEFINING AND REGULATING THEIR POWERS AND DUTIES; PROVIDING FOR THE LEVYING OF A SPECIAL ASSESSMENT OF SUCH WORKS AND THE EXPENSES CONNECTED THEREWITH, AND PRO-

VIDING FOR THE PENALTY OF NON-COMPLIANCE THEREWITH.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. In addition to the powers heretofore granted to cities, towns, or villages under the provisions of the laws of the State of Idaho now in force, cities, towns, or villages may by ordinances, by-laws, and under and by virtue of this act: First—Construct, build, or purchase, keep, conduct, and maintain a sewer system or sewerage disposal works therein, or elsewhere, of the character and keeping sufficient to furnish the inhabitants thereof, as well as the places and people along and in the vicinity of the lines of pipes, conduits, or aqueducts constructed or used for such purposes with a sewer system and sewerage disposal works sufficient for all uses and purposes necessary for the comfort, convenience, health, and well-being of said city, town, or village, and to that end may acquire by purchase, gift, condemnation, or otherwise, to own, and possess, such real or personal property within and without the limits of the city, town, or village, as in the judgment of the persons herein authorized to construct, purchase, conduct, and maintain a sewer system and sewerage disposal works as may be deemed necessary and convenient. And for that purpose may levy a special assessment on the lots and parcels of lands fronting on any highway, street, or alley that may be included within any of the sewer system, or sewerage disposal works district or districts, as well as all lots, or parcels of land situated therein except as hereinafter provided, to pay the expenses thereof.

But, unless a majority of the resident owners of the property subject to assessment for such sewerage system, or sewerage disposal works and improvements shall petition the council or trustees to make the same or have the same constructed, such improvements shall not be made unless three-fourths of all the members of such city council or trustees shall, by an affirmative vote, at a regular meeting, assent to and order the same.

SEC. 2. The power and authority given by Section 1 hereof to construct and operate a sewer system and sewerage disposal works, and levy a special assessment therefor and issue and dispose of special improvement bonds therefor shall be exercised as hereinafter provided by three

substantial taxpayers and bona fide residents of such city, town, or village, who shall be styled collectively the "Sewer Committee," and are hereinafter mentioned and referred to as the committee, such committee to be appointed by the mayor of cities, or by the chairman of the board of trustees of towns, and villages and upon appointment shall hold office as follows: One for one year next ensuing after his appointment, and until his successor is appointed and qualified; one for two years next ensuing his appointment and until his successor is appointed and qualified; and one for three years next ensuing his appointment and until his successor is appointed and qualified. And such committee to receive only such compensation as is fixed by the council or trustees, as the case may be. Such compensation to be in full for all duties performed or connected with his office. That upon the completion of any work or contract, or contracts, made or entered into during the life of said committee, and upon the turning over of such work to the council or trustees, that in that event, the said committee to become null and void and of no further force and effect, *Provided, however,* That at any time thereafter, when the necessity exists a further committee may be appointed, as hereinbefore stated, who shall have the same powers and duties, and shall all the time remain under the provisions of this act and such ordinances as may be passed by said city, town, or village.

SEC. 3. The sewer committee at their pleasure shall elect a president as a presiding officer of their number, he shall be styled chairman of the committee, and they shall also elect a clerk, who shall be the city or village clerk, who shall be styled the clerk of the committee.

SEC. 4. The committee shall appoint a treasurer, who shall be the city or town treasurer, who shall give a bond in such additional sum over and above his official bond, as may be required, and who shall have the care and custody of all money of the committee from collections or special assessments or the sale of special improvement bonds or otherwise for the construction of a sewer system or sewerage disposal works as herein provided and who shall pay out of moneys received under the provisions of this act on the order of the chairman and countersigned by the clerk of the committee, and not otherwise.

SEC. 5. The chairman, clerk, and treasurer, aforesaid, shall also perform all such acts and duties as required of them, or either of them, by the committee or this act, or any ordinance passed in furtherance of this act. The chairman shall hold his office at the pleasure of the committee.

SEC. 6. The mayor of the city, or the chairman of the town or village, as the case may be, shall fill vacancies as the case occurs, on the sewerage committee, by death, resignation, removal, or expiration of term from the city or village by the appointment of persons to be members thereof, who are bona fide residents and taxpayers of such city, town, or village, and two of the committee shall constitute a quorum for the transaction of all business.

SEC. 7. The chairman of the committee shall execute all written contracts on behalf thereof, and sign all orders for the payment of money authorized thereby.

SEC. 8. The clerk of the committee is its clerical officer and shall keep a fair minute of all its acts, and duly countersigned all orders authorized by it, and signed by the chairman on its behalf, keep its accounts and have the custody of its books and papers.

SEC. 9. The committee may also from time to time hire, employ, and discharge engineer or engineers, surveyor or surveyors, consulting engineer or engineers, draftsman, or consulting surveyor or surveyors as well as such other agents, workmen, laborers and servants at such compensation or wages as the committee may deem necessary or convenient for the accomplishment of the purposes of this act.

SEC. 10. The committee has power and authority:

1. To employ, hire and discharge from time to time all such agents, workman, laborers, or servants as may be deemed necessary in the conduct, operating, and management of the city sewer system and sewerage disposal works.

2. To make all needful rules and regulations of the conduct and management of the same for the said city and inhabitants thereof.

3. To do any other act and to make any other regulations necessary and convenient for the conduct of its business and the due execution of the power and authority

given it by this act, or by ordinances not contrary to law.

SEC. 11. The committee shall meet in the city or village for the transaction of business at least once a month and for the transaction of business as it may deem correct, and for the transaction of other business at such other time, as it may provide.

SEC. 12. Assessments made under subdivision one of this section, shall be made, assessed, and collected in the following manner:

1. The assessment or cost of any sewerage work, or sewerage disposal works or improvements provided for in section one of this act, shall be assessed upon all the lots or parcels of land fronting on all highways, streets, or alleys included within any sewerage improvement district as well as all lots or parcels of land situated therein, each lot or parcel of land being separately assessed for the full debt thereof in proportion to the benefits to the property to be benefited, sufficient to cover the total expense of such work of the construction of such sewer and sewerage disposal works: *Provided, however,* That such assessments shall not include the property occupied by the streets, cross streets and alleys.

2. When any work or improvement mentioned in this act is done or made so that the boundary line of the sewerage district, within which such work or improvement is being carried on, shall cross along the center line of any street, alley, or public way, within said city, town or village, the lots fronting along that side, and which are included within said district on that side of said street, alley, or public way within said district, only shall be assessed to cover the expense of such work according to the provisions of said act.

The city council or trustees shall before or during the constructing of the sewerage system, or sewerage disposal works, or either or both, or other improvements under the provisions of this act, the costs of which are to be levied and assessed upon the property benefited first pass at a general or special meeting an ordinance declaring its intention to construct such sewer system, or sewerage disposal works or other improvements under this act and stating in such resolution or ordinance the specific boundaries of the proposed sewerage district, which boundary lines shall be

plainly and distinctly stated so that it may be plainly determined therefrom what property or properties are to be included in said proposed district, the general character of the said proposed sewerage system and sewerage disposal works and the estimated cost of same. That the costs of the same are to be assessed against all the property included within such sewerage district: (*Provided, however,* That it shall be stated that such sewerage district shall not include for assessment, property occupied by streets, cross streets and alleys in said district), and shall fix the time, not less than five days, in which protests against said proposed improvements and works, may be filed in the office of the city clerk, it shall be the duty of such clerk to cause such resolution or ordinance, after the same shall become a law, to be published in the official newspaper of the city or village in at least one issue before the time fixed in such resolution or ordinance for filing such protest, an affidavit of such publication shall be filed with the clerk on or before the time fixed for the hearing of such protest.

If protests against the proposed improvement by owners of more than two-thirds of the front feet of lots of land included within the assessment district therein provided shall be filed on or before the day fixed for such filing, the council or trustees shall not proceed further with such work unless three-fourths of the members of the council or board of trustees shall vote to proceed with such work.

If no such protest is filed, or if such or any protest is filed, and after hearing the same, three-fourths of the city council, or trustees shall vote to proceed with such work, the council or trustees shall at the next regular meeting, proceed to consider the same, and shall then, or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance, a local improvement district shall be established to be called "Local Sewerage Improvement District No. ...." which shall include all the property fronting on the street or streets and all the lots and parcels of lands included within the boundary lines of the said local sewerage improvement district as heretofore designated by the said council or board of trustees, other than such property as is occupied by streets, or alleys. Such ordinance shall provide that such sewerage improvement shall be made and that the cost and

expense thereof shall be fixed and assessed upon all the property in such local sewer improvement district, which costs shall be assessed in proportion to the property front feet of such lands or lots included in said sewerage improvement district as hereinbefore stated, and as in this act provided, and in proportion to the benefits derived by said sewerage improvement: *Provided,* That the city council or trustees may expend from the general fund for such purposes, such sums as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such sewerage improvement.

The expense of repairing and maintaining such sewer system and sewerage disposal works, when completed shall be paid and borne by the city or village. Whenever any expense or cost of work shall be assessed, on any land, lots, or pieces or parcels of land, the amount of said assessment or expenses shall become a lien upon such lands, lots or parcels of land and shall take precedence of all other liens and which may be foreclosed in accordance with the provisions of law.

Such suit or suits may be in the name of the city or village of.....(naming it) as plaintiff. And in such proceeding, where the court trying the case shall be satisfied that the work has been done, or material furnished, which according to the true intent of the act or any ordinance passed in connection therewith as such city or village, would be properly chargeable upon the lot or lands thereby, or along such lots or lands or that the same or any part thereof may be of benefit or are within the boundary lines of such improved district, a recovery shall be permitted and a charge enforced to the extent of the proper proportion or value of the work or labor or material which would be chargeable upon such lot or land notwithstanding any informalities, irregularities, or defects in any of the proceedings of such municipal corporation, or any of its officers.

5. Upon the passage of an ordinance as herein provided, the committee on streets, together with the sewerage committee, or other proper authority of said city, town, or village shall make out an assessment roll according to the provisions of said ordinance, and shall certify the same to the council or trustees of said city, town, or village.

6. Upon receiving said assessment roll, the clerk of said city, town or village shall give notice by two successive publications in the official newspaper of said city, town, or village that said assessment roll is on file in his office, and the date of filing the same, and said notice shall state the time at which the council or trustees will hear and consider objections to said assessment roll, by the parties or any party aggrieved by such assessment. The owner or owners of any property which is assessed in such assessment roll, whether named there or not in such assessment roll, may within ten days of the last publication provided herein, file with the clerk his or her objections, in writing, to said assessment or any portion thereof, which objections must be definite and specific as to the property or piece of property included in said assessment roll to which said objection is made, as well as specific grounds of such objections.

7. At the time appointed for hearing said objections to such assessment, the council or trustees shall hear and determine all objections which have been filed by any parties interested to the regularity of the proceedings in making such assessment, and the correctness of such assessment, and the amount levied upon any lot, part, or parcel of land, and the council or trustees shall have power to adjourn such hearing from time to time and shall have power in their discretion to overrule such objection in whole or in part, or to revise, correct, confirm, or set aside and to order such assessment be made de novo and such council or trustees shall make an order approving and confirming such proceedings and assessments as corrected by them and their decision shall be a final determination of the regularity, validity and correctness of said assessment to the amount thereof levied on each lot or parcel of land.

8. Any person who has filed objections to such assessment or reassessment, as herein provided, shall have the right to appeal to the district court of this State in and for the county in which the said city, town, or village may be situated.

9. Such appeal shall be made by filing written notice of appeal with such clerk of said city, town, or village within five days after such assessment or reassessment roll shall have been approved and confirmed by the said coun-

cil or trustees and the said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the district court, aforesaid within fifteen days after the approval and confirmation of such roll by the council or trustees, a copy of said notice of appeal, assessment, or reassessment roll or proceeings thereon, certified by the clerk of such city, town, or village, together with a bond to such city, town, or village, conditioned to pay all costs that may be awarded against the appellant in such sum not less than two hundred (200) dollars and with such surety as shall be approved by the judge of the said court and the case shall be docketed by the clerk of the said court in the name of the person taking such appeal against such city, town or village, as "an appeal from assessment." Said cause shall then be at issue and shall have precedence over all civil cases pending in said court, except the proceedings relating to the act of eminent domain by cities or towns, actions of forcible entry and detainer. Such appeals shall be tried in said court as in the case of equitable causes, except that no pleading shall be necessary. The judgment of the court shall be either to confirm, modify, or annul the assessment, in so far as the same effects the property of the appellant, from which judgment an appeal shall lie in the supreme court, as in other cases. In case the assessment is confirmed, the fees of the clerk of the city, town, or village for copies of the record shall be taxed against the appellant with other costs.

10. All such assessments shall be known as "Special Assessments for Sewerage Improvements," and shall be levied and collected as separate taxes in addition to the taxes for general revenue purposes, to be placed on the tax roll for collection subject to the same penalties in collection, and in the same manner as other city, town, or village taxes.

11. Wherever the mayor, or council or trustees of any city, town or village shall under authority in them vested under any laws of this State, or this act, or the charter or ordinance of such cities, towns, or villages shall cause any sewerage work or improvement to be done under the provisions of this act, or the laws aforesaid, or any sewerage disposal works to be built or constructed thereunder, the expenses which is chargeable to the property within the

limits and boundary lines of the sewerage district or any sewerage district formed ordered or laid out under the provisions of this act they may, in their discretion, provide for the payment of the costs and expenses thereof by installments, instead of levying the entire tax for special assessment for such costs at any one time, and for such installments they may issue in the name of the city, town, or village, improvement bonds of the district, which shall be known and designated as "Special Assessment Sewerage Improvement Bonds, District No.....," which shall inculde all property liable for assessment within the boundary lines of said improvement district, for such local sewerage improvement according to the city, town, or village charter, this act or any ordinances passed in connection with this act for the purposes of such improvement, payable in installments of equal amount each year; none of which bonds or any of the installments shall run longer than ten years or bear interest exceeding eight per cent. per annum. Such bonds may be issued to the contractor constructing or building such sewer system, or sewerage disposal works or other improvements connected therewith in payment thereof, or the mayor and council, or the trustees by charter or ordinance of said city, town, or village, or other authorized officer or officers of said city, town, or village may sell the same at not less than their par value, net, and pay the proceeds to the contractor, such bonds shall not be issued in excess to the contract price of such work or improvement, except that the installment coupons shall include the interest on such installment coupon to the maturity thereof.

The bond shall be of such denomination as the mayor or council or trustees shall deem proper. When district bonds are issued under this act for improvement, the costs of which are by law charged by special assessment against specific property, the council, or trustees, or other authorized officer, board, or body shall levy special assessments each year, sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessment to be levied against each piece of property liable therefor, interest thereon at the rate not exceeding eight per cent. per annum from the date of the issuance of said bonds until the maturity of the install-

ments of all bonds next thereafter maturing shall be levied. Such assessment shall be made upon the property chargeable for the cost of such improvements, respectively, and shall be levied and collected in the same manner as may be provided by law, or by the charter or ordinances of said city, town or village for the levy and collections of special assessments for such improvement where no bonds are issued, except as otherwise provided by this act. But the basis of such assessment, whether upon assessed valuation frontage, or otherwise liable for such costs, shall be retained for the assessment of succeeding installments of said bonds. The owner of any piece of property liable for any special assessment may redeem his property from such liability by paying the entire assessment chargeable against his property (upon the clerk mailing him a written or printed notice) thirty days before the issuance of the bonds, that is thirty days before the date of the delinquency of the assessment roll, as hereinbefore provided, or after the issuance of such bonds or such delinquency, by paying all of the installments of the assessments which have been levied, also the amount of the unlevied installments with interest on the latter at the rate of not to exceed eight per cent. per annum from the date of the issuance of the rate bonds to the time of maturity of the last installment. In all cases where installments of the assessments not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city treasurer, who shall receipt therefor, and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds issued therefor. Where any piece of property has been redeemed from liability of the costs for any improvements, as herein provided, such property shall not thereafter be liable for further special assessment for the costs of such improvement, except as hereinafter provided. No suit to set aside the said special assessment or to enjoin the making of the same shall be brought, or any objection to the validity thereof shall be allowed after the expiration of thirty days from the date the amount due on each lot or piece of ground liable for such assessment is ascertained or confirmed by the council or trustees. The funds raised by such assessment shall be applied solely towards the redemption of said bonds.

12. Such bonds when issued to the contractor constructing said work or improvements in payment thereof, or when sold as above provided, shall transfer to the contractor, or other owner, or holder, of the right or interest of such city, town, or village in or with respect to every assessment and the lien thereby created against the property of the owners assessed shall not have availed themselves of the provisions of this act in regard to the redemption of their property, as aforesaid, shall authorize said contractor, and his assigns and the owners and holders of said bonds to receive, sue for and collect every such assessment embraced in any such bond by or through any of the methods provided by law for the collection of assessments for local improvements. And if the city, town, or village shall fail, neglect, or refuse to pay said bonds, or to properly collect any such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessments and foreslose the lien thereof in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds, and interest thereon, five per cent. together with the costs of such suit.

Any number of holders of such bonds for any single assessment or improvement may join as plaintiff, and any number of owners of property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property as assessments represented by such bonds, without priority of one over the other to the extent of the several assessments to the several lots and parcels of land.

13. In all cases of special assessments in local sewerage improvements or sewerage disposal works, of any kind, against any property, person, or corporation whatsoever, where any such assessments have failed to be valid in whole or in part for want of form or sufficient informality or irregularity, or non-conformance with the charter, ordinances or provisions of law governing such assessments, the city council or trustees, or other authorized bodies or board shall be and they are hereby authorized to reassess such special taxes or assessments and to enforce their collection in accordance with the provisions of law existing at the time the reassessment was made; and it is further provided that whenever, for any cause, mistake, or inadvertence, the amount assessed shall not be sufficient to pay

the costs of sewerage improvement made and enjoined on the property, or on the owners of property in the local assessment district where the same is made, that it shall be lawful and the city council or trustees, or other authorized body or board is hereby directed and authorized to make reassessment upon all the property in said local assessment district to pay for such improvement, such reassessment to be made and collected in accordance with the provisions of law or ordinances existing at the time of its levy.

14. Nothing shall be construed as repealing or modifying any existing laws and method for cities of the first or second class or that is organized under special or local laws, to make improvements as herein provided for, but shall be construed as additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and in the effect provided in this section, and the owner of any such bonds shall look only to the fund provided by such assessment for the principal and interest of such bonds.

15. The holder of any bond issued under the authority of this act shall have no claim therefor against the city, town, or village by which the same is issued in any event, except for the collection of the special assessment made for the work or improvement for which said bond was issued, but his remedy in case of non-payment shall be confined to the enforcement of such assessment. A copy of this sub-division shall be plainly written, printed or engraved upon the face of each bond so issued.

16. In the construction of a sewer or sewerage system under the provisions of this act, no sewer or sewerage system which shall be laid, placed or constructed parallel to any water main, water pipe, or conduit, shall be laid, placed or constructed within at least six feet of such water main, water pipe, or conduit: *Provided, however,* That this provision of this act shall not apply to place or places where said sewer or sewer system shall have to cross either under or over any such water pipe, work, or conduit.

SEC. 13. All sewerage improvement or the construction of sewerage disposal works as contemplated in this act shall be made and done under the supervision of the sew-

erage committee who are authorized to receive bids for the construction and making of same and enter into such contract or contracts as may be necessary to have such work or improvements completed as soon, and in such a manner as may be consistent with the proper procedure. All contracts for such work or improvements shall provided that the same shall be completed in all things with strict accordance with the plans and specifications for such improvements, as shall be provided for by said committee, its engineers or surveyors. No contract herein provided for shall go into effect in so far as the committee or city, town, or village are concerned to be binding upon it or them until the assessment herein provided for shall be confirmed; and in the event the assessment or the assessment rolls herein provided for shall not be confirmed, then such contracts shall be of no further force or effect.

SEC. 14. Whenever and as soon as the sewer system herein provided for is, in the judgment of the committee, ready for use, the committee shall turn the said sewer system and disposal works over to the mayor and city council or town and village trustees, as the case may be for the purpose of maintaining, operating and conducting said sewer system and disposal works, and thereafter, the power and authority hereby given to the sewer committee to build, keep, conduct and maintain said sewer system and disposal works therein shall be exercised by said council or trustees. The committee shall turn over the sewer system to said city, town, or village and all property pertaining thereto, together with all the books, profiles, papers, maps, and accounts relating to the building, construction or purchase thereof, as the case may be and the city council or trustees shall thereupon take possession and charge of as well as the management, conducting, and maintaining of the same, and in so doing, it may alter, improve, and extend such works from time to time as the growth of the city, town, or village and wants and conveniences of the inhabitants thereof may require and the committee may turn over a completed portion or portions of such to the council or trustees before the final completion thereof by it, and as often and as fast as such portion is turned over to the council or trustees, they must accept the same and conduct and maintain it accordingly.

SEC. 15. The committee shall cause accurate profiles,

maps, plans, and specifications to be made of the lines of sewerage as actually built and constructed so as to show the location of the branches, nye branches, manholes, lampholes, flushes and flushing tanks, the depth of the sewer, the size of the pipe used in connection therewith, and any other information that may be of value and convenience for future reference or information for the city, town, or village, or its officer or officers.

SEC. 16. The committee shall cause a quartely statement in detail of its receipts and disbursements to be made and signed by its chairman and clerk and filed with the city clerk who shall preserve the same among the files of the city, town, or village office, and which statement shall be received and acted upon by the council or trustees as well as shall said committee file with said clerk to be acted upon by the said council or trustees a full, true, and correct statement quarterly of all the property, implements, and material in its possession and pertaining to the sewer system together with the condition and value thereof.

SEC. 17. Upon the turning over of the said sewer system, or any part thereof by the said committee, to the said council or trustees, said city, town, or village shall have power to pass ordinances fixing the tolls, rents, rates, rules, and regulations for the use of such sewerage and sewerage system where same is used by persons not residing within the district, or persons residing without the corporate lines of said city, town, or village who may use the same or any part thereof or through whose property the same may pass and who may desire the use thereof.

SEC. 18. Said cities, towns or villages shall have the power to pass any and all ordinances for the enforcement of the provisions of this act, or for the future use, care or operation in any manner of said sewer or sewerage system, or sewerage disposal work or works, providing penalties not inconsistent with the laws of the State of Idaho for the enforcement of such rules, ordinances, and regulations concerning or connected therewith.

SEC. 19. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved the 20th day of February, 1903.

HOUSE BILL NO. 26.

AN ACT

TO PUNISH THE GIVING OF CHECKS OR DRAFTS ON ANY BANK OR BANKING ASSOCIATION WHEREIN THE PERSON SO GIVING SUCH CHECK OR DRAFT SHALL NOT HAVE SUFFICIENT FUNDS OR A CREDIT FOR THE PAYMENT OF THE SAME.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Any person who shall in payment of any debt in what so ever manner contracted give any check or draft upon any bank or banking association wherein such person shall not have sufficient funds or credit for the payment of the same shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars or imprisoned in the county jail not to exceed six months, or both such fine and imprisonment.

Approved the 14th day of February, 1903.

HOUSE BILL NO. 28.

AN ACT

TO PROHIBIT PERSONS FROM STEALING OR ATTEMPTING TO STEAL RIDES ON RAILROAD TRAINS, ENGINES OR CARS, AND FROM CLIMBING THEREON WHILE THE SAME ARE IN MOTION, AND TO PROVIDE A PENALTY AND PUNISHMENT THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That every person who shall at any place within this State ride or attempt to ride upon any locomotive engine, railroad car, railroad train or trains of any character in or upon any part thereof for the purpose or with the intent of stealing a ride thereon, or who shall at any place within this State climb upon, hold to or in any manner attach himself to any locomotive engine or railroad car or railroad train or trains of any character while the same are in motion shall be guilty of a misdemeanor: *Provided,* That this section shall not apply to any employee of a railroad company operating such train, locomotive or car, nor to any person operating such train, locomotive or car, nor to any person having business with or acting under legal authority of such railroad company.

SEC. 2. That authority is hereby given to and conferred upon railroad conductors, and engineers of railroad trains to immediately arrest any person or persons violating Sec-

tion 1. of this act without warrant or other process and deliver them to any peace officer: *Provided,* That nothing in this act contained shall be construed to restrict the authority or duty of the regular officer within the State of making arrests for said offense.

SEC. 3. That any person charged with a violation of Section 1 of this act may be tried in any county in this State through which such train carrying such person may pass or in any county in which such violation may have occurred or may be discovered.

SEC. 4. That every person who shall be convicted of a violation of any of the offenses mentioned in Section 1 of this act shall be punished by imprisonment in the county jail for a period not exceeding thirty days or by a fine of not more than sixty (60) dollars, or by both such fine and imprisonment.

SEC. 5. In as much as there is now no law in force on this subject and that such acts are constantly being performed an emergency is hereby declared to exist, and this act shall be in force and effect from and after its approval by the Governor.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 38.

AN ACT

TO LOCATE AND PROVIDE A SUPREME COURT BUILDING, FURNITURE AND A LAW LIBRARY THEREFOR AT LEWISTON, IDAHO; TO ACQUIRE A SITE THEREFOR; TO PROVIDE FOR MAINTENANCE THEREOF; TO CREATE A COMMISSION THEREFOR; TO PROVIDE FOR THE ISSUE OF STATE BONDS TO PROVIDE SAID BUILDING, FURNITURE AND LIBRARY, AND TO APPROPRIATE MONEY THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That a supreme court building and library for the State of Idaho is hereby established and located in the City of Lewiston, in the county of Nez Perce, of the State of Idaho, for the use of the supreme court of the State of Idaho: *Provided,* That the mayor and city council of the said City of Lewiston shall, prior to the first day of May 1903, donate and convey to the State of Idaho as a site for said supreme court building and library, the fee simple title to the following property situate in the City of Lewiston, Nez Perce county, State of Idaho, viz.:

A lot in the southwest corner of lot three (3) of acres

as shown upon the plot of True's survey of said city, in the recorder's office of said county, ninety (90) feet wide and one hundred and fifty (150) feet long. The lot to be conveyed fronting west on the east side of Fifth street ninety (90) feet and south on the north side of G street one hundred and fifty (150) feet.

And the mayor and city council of said City of Lewiston are hereby authorized and empowered to cause said lot of land to be conveyed to the State of Idaho.

SEC. 2. That for the purpose of erecting said supreme court building and furnishing the same and purchasing said library, there is hereby created a board to be known as the supreme court building and library commission.

Said board shall consist of seven members to wit: James F. Ailshie, Edgar C. Steele, Charles L. Heitman, Charles W. Beale, Isham N. Smith, Samuel L. McFarland, and James E. Babb, who shall hold office until the completion of said building and the purchase of said library, unless sooner removed for cause by the Governor of the State.

In case of vacancy in said board the Governor of Idaho shall nominate and by and with the consent of the Senate appoint some fit person to fill the vacancy. If such vacancy occurs during a recess of the Senate, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office.

A majority of said board shall constitute a quorum for any purpose whatever, and three members shall constitute a quorum for any purpose except for letting a contract or making final settlement of a contract.

Before entering upon the duties of his office and within ten days from notice of passage of this act, or of his appointment, each of said board shall take and subscribe an oath or affirmation before some person duly authorized to administer the same, that he will support the Constitution of the United States and the State of Idaho, and will faithfully and impartially discharge the duties of his office as a member of the supreme court building and library commission, which oath, or affirmation, shall be filed in the office of Secretary of State.

Meetings of said board may be called by any two members thereof on not less than five days' notice to the others by mail. When all members assemble no notice of meeting shall be necessary.

At their first meeting the said board shall elect from their number a president, vice president, second vice president and secretary. It shall be the duty of the Secretary to keep an exact and detailed account of the doings of said board.

The said board is hereby authorized and empowered, and it is made their duty to make such contracts for the erection of a supreme court building and the furnishing thereof and purchase of a library therefor on the site hereinbefore mentioned at a cost not to exceed fifteen thousand ($15,000) dollars, at least ten thousand dollars of which shall be expended in the building: *Provided,* That any premium received from the sale of the bonds issued under the provision of this act may be expended for any of said purposes by said board in addition to the amount aforesaid.

SEC. 3. All the proceeds derived from the sale of bonds issued under the provisions of this act, shall be under the direction and control of the said board subject to the provisions herein contained.

The Treasurer of the State shall pay out of such proceeds derived from the sale of said bonds as aforesaid, all warrants for money to be expended under the provisions of this act, such warrants to be drawn by the State Auditor on certificates of the secretary, countersigned by the president or a vice president of said board, after said certificates shall have been audited and allowed by the State Board of Examiners.

No such certificates shall be issued except upon accounts and demands audited and allowed by the said board constituting the supreme court building and library commission.

No member of said board shall receive any compensation for his services in carrying out the provisions of this act, or participate in any proceedings connected therewith in which either directly or indirectly he has any pecuniary interest whatever.

SEC. 4. That for the purpose of providing money for the erection of said supreme court building and library and purchasing said library a loan of fifteen thousand ($15,000) dollars is hereby authorized and directed to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho, on the faith and credit of the State of Idaho.

The Treasurer of the State is hereby authorized, empowered and directed immediately upon the passage of this act to issue fifteen (15) bonds of the State of Idaho, to be known as the Idaho supreme court building and library bonds in the sum of one thousand ($1,000) dollars each, payable in gold coin of the United States of the present standard of weight and fineness in twenty (20) years from the date of their issuance, with interest in like coin at the rate of four (4) per cent. per annum, payable semi-annually at a place in the City of New York to be selected by the State Treasurer and named in such bonds; said bonds, however, to be redeemable at the option of the State of Idaho, at any time after ten (10) years from the date of their issuance and said bonds shall be plainly numbered from one to fifteen consecutively.

SEC. 5. The State Treasurer is hereby further authorized, empowered and directed to cause to be printed or lithographed, suitable bonds in printed form with coupons attached for the purposes of this act.

All such bonds shall be signed by the Secretary of State with his own proper name affixing his official character, and shall be authenticated by the Great Seal of the State and shall be signed by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds, showing the number and amount of each bond and then deliver the bonds to the State Treasurer, and charge the State Treasurer on the books of the auditor's office with the full amount of each bond.

SEC. 6. At the time of issuing said bonds under the provisions of this act, the State Treasurer shall sign them with his own proper name affixing his official character and shall, in like manner, sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injury or mutilating the bonds and shall be severally numbered from one to forty inclusive, each bearing the corresponding number of the bond to which it is attached.

The Treasurer shall keep a register, of all the bonds issued by him showing the date of issuance, and shall deliver the said bonds with the coupons attached as afore-

said to the purchaser or purchasers, upon receipt of the purchase money therefor, and the money received from the sale of said bonds shall be by said Treasurer placed in a certain fund to be known as the Idaho supreme court building fund for the erection of a supreme court building and furnishing thereof at Lewiston, Idaho, and the purchase of a library therefor; none of said bonds however, shall be sold for less than their face or par value.

The expense of printing or lithographing and procuring said bonds with coupons attached, shall be paid out of the funds arising from the sale of said bonds.

SEC. 7. For the prompt payment of the interest that may accrue upon said bonds, there is hereby appropriated for each year out of any moneys in the State Treasury, not otherwise appropriated, an amount equal to the amount of interest on said bonds as the same may become due, and for the payment of such interest when due, the Treasurer of the State shall reserve any and sufficient of the funds in his hands, in preference to all other claims whatsoever except the interest on bonds of the State heretofore issued pursuant to law.

SEC. 8. When the moneys arising from the sale of said bonds are received by the State Treasurer, he shall notify the State Auditor of the amount of money so received, and the State Auditor shall thereupon credit the Treasurer's account with the proceeds of the bonds sold.

SEC. 9. All moneys paid or to be paid into the said Idaho supreme court building and library fund and received from the sale of bonds issued under this act, are hereby appropriated for the erection and construction and furnishing of a supreme court building at Lewiston, Idaho, and the purchase of a library therefor, and shall be paid out therefor as in this act provided.

SEC. 10. When the said supreme court building and library shall have been completed and the library purchased, the care, custody and keeping thereof shall be committed to the deputy clerk of the supreme court located at Lewiston, Idaho, under rules and regulations to be prescribed by the justices of the supreme court from time to time.

SEC. 11. That all fees hereafter received by the State of Idaho from notaries public and attorneys-at-law residing in the counties of Shoshone, Kootenai, Latah, Nez

Perce and Idaho, and counties to be hereafter created therefrom, or from any part thereof, be set apart and held by the State Treasurer to be expended for the use and benefit of said library under the orders of the justices of the supreme court; that duplicates of all laws, pamphlets and other publications hereafter made by or under authority of the State of Idaho, or any of its agencies shall be sent to said library; that at least one copy of such publications heretofore made shall be furnished said library provided there be copies thereof in possession of the State not heretofore appropriated; that henceforth the State of Idaho make sufficiently liberal exchange with other States, Territories and countries of such publications to be made by or under its authority as may be necessary to secure copies of similar publications of such States, Territories and countries for the said library as well as the State library at Boise.

SEC. 12. That upon the completion of said supreme court building and library, and the purchase of said library as aforesaid and upon the taking of the care and custody thereof by the deputy clerk of said court as hereinabove provided, the said deputy clerk shall thereafter receive the sum of seventy-five dollars per month in full payment of all his services as such deputy clerk, to be paid to him monthly by the Treasurer of the State out of any moneys in the treasury not otherwise appropriated.

SEC. 13. That after the completion of the construction of said building, the furnishing thereof and the purchase and installment therein of a library, the said board shall make a report to the Governor of the State of Idaho of their action under this act, and they shall thereafter be relieved from any further liability or responsibility as members of said board.

SEC. 14. That all acts and parts of acts in conflict with this act, or any portion thereof, be and they are hereby repealed.

Approved the 20th day of February, 1903.

HOUSE BILL NO. 40.

AN ACT

TO AMEND SECTION 6151 OF THE REVISED STATUTES AS ADDED THERETO BY AN ACT ENTITLED "AN ACT PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES OF JUDGES

OF THE DISRTICT COURTS IN HOLDING TERMS OF THE SAID COURTS IN COUNTIES OTHER THAN THE ONE IN WHICH THEY RESIDE; AND OF JUSTICES OF THE SUPREME COURT IN HOLDING THE LEWISTON TERM OF SAID COURT; AMENDING SECTION 6147 OF THE REVISED STATUTES OF IDAHO, AND ADDING SECTION 6151 THERETO." APPROVED FEBRUARY 9TH, 1899, SO AS TO PROVIDE FOR PAYMENT OF THE EXPENSES OF THE JUSTICES OF THE SUPREME COURT IN HOLDING TERMS THEREOF.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6151 of the Revised Statutes as added thereto by an act entitled, "An act providing for the payment of certain expenses of judges of the district courts in holding terms of the said courts in counties other than the one in which they reside; and of justices of the supreme court in holding the Lewiston term of said court, amending Section 6147 of the Revised Statutes of Idaho, and adding Section 6151 thereto." Approved February 9th, 1899, be amended to read as follows:

Section 6151. There must be paid to each of the Justices of the supreme court, out of the State treasury, for each term of the supreme court, his actual expenses, not exceeding two hundred dollars.

SEC. 2. An emergency existing therefor this act shall be in force from and after its approval.

Approved the 14th day of February, 1903.

HOUSE BILL NO. 42.

AN ACT

ESTABLISHING THE BOUNDARY LINE BETWEEN LEMHI COUNTY AND IDAHO COUNTY IN THE STATE OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the boundary line between the counties of Lemhi and Idaho in the State of Idaho are hereby made and established as follows:

Commencing at a point on the boundary line between the State of Idaho and Montana directly north of the confluence of the Middle Fork of Salmon river with the main Salmon river in the State of Idaho and running thence south to the confluence of the Middle Fork of the Salmon river with the main Salmon river, as established by the original act creating the county of Lemhi, approved January 9th, 1869, running thence southerly along the center line or middle of the channel of the said Middle Fork of

Salmon river, to the north line of Custer county, at the mouth of Loon creek.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas an emergency exists, this act shall take effect from and after its passage and approval.

Approved the 27th. day of February, 1903.

HOUSE BILL NO. 45.

AN ACT

AMENDING TITLE 4, SECTION 2653 OF THE REVISED STATUTES OF IDAHO CONCERNING CORPORATIONS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2653 of the Revised Statutes of Idaho be amended to read as follows:

Section 2653. Every corporation not created under the laws of this State must before doing business in this State, and every such corporation now doing business in this State must within three months after the taking effect of this act, file with the county recorder of the county in this State, in which is designated its principal place of business in this State, a copy of the articles of incorporation of said corporation duly certified to by the Secretary of State of the State in which said corporation was organized, and a copy of such articles of incorporation duly certified by such county recorder, with the Secretary of State, paying to the latter the same fees as are provided by law to be paid for filing original articles of incorporation, and must within three months after the passage of this act or from the time of commencement to do business in this State, designate some person in the county in which the principal place of business of such corporation in the State is conducted upon whom process issue by authority of or under any law of this State, may be served, and within the time aforesaid must file such designation in the office of the Secretary of State, and in the office of the clerk of district court for such county, and a copy of such designation certified by either of said officers, must be evidence of such appointment; and it is lawful to serve on such persons so designated any process issued as aforesaid, and such service must be deemed a valid service thereof, such notice and designation of agent on whom process may be

served, shall run from the time of filing same as herein provided, until his successor is appointed by such filing, or said office becomes vacant by resignation filed by such agent in the office in which his appointment is filed, or by his death, or removal from such county, and in case of such vacancy said corporation shall within sixty days thereafter refill said office as herein provided. No contract or agreement made in the name of, or for the use or benefit of such corporation prior to the making of such filings as first herein provided can be sued upon or be enforced in any court of this State by such corporation, and such corporation can not take or hold title to any realty within this State prior to making such filings, and any pretended deed or conveyance of real estate to such corporation prior to such filings shall be absolutely null and void; and any and all officers, agents and representatives, of said corporation, or persons claiming to be officers or agents of the same, who shall make or attetmpt to make any contract or agreement or contract any indebtedness in the name of such corporation or for its use and benefit, before such original filings are made, or while such corporation is in default upon filing a reappointment as hereby provided, shall be jointly and severally, personally liable upon and for all such contracts and agreements as principal contractors.

Every such corporation which fails to comply with the provisions of this section shall be denied the benefit of the Statutes of the State limiting the time of the commencement of civil action and any limitations in such Statutes shall only run in favor of any such corporation during such time as shall be within the State such person duly designated, as aforesaid, upon whom such service can be made: *Provided, further,* That such foreign corporations complying with the provisions of this section shall have all the rights and privileges of like domestic corporations, including the right to exercise the right of eminent domain and shall be subject to the laws of the State applicable to like domestic corporations.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 10th. day of March, 1903.

HOUSE BILL NO. 52.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF THIRTY THOUSAND DOLLARS AND APPROPRIATING THE PROCEEDS THEREOF TO THE ACADEMY OF IDAHO FOR CONSTRUCTING ADDITIONAL BUILDINGS, INCREASING THE EQUIPMENT AND IMPROVING THE GROUNDS OF SAID ACADEMY.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of erecting and equipping suitable buildings and making certain improvements for the Academy of Idaho, a loan of thirty thousand dollars ($30,000.00) is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho upon the faith and credit of the State of Idaho, and secured by the proceeds of the sale of the lands set apart and appropriated to the use and for the benefit of said academy by Section (6) of an act establishing said academy, approved March 11th., 1901, and the timber thereon as hereinafter provided.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed immediately upon the passage of this act to issue sixty (60) bonds of the State of Idaho to be known as "The Academy of Idaho Improvement Bonds," in the sum of five hundred dollars ($500.00) each, payable in twenty years from the date of their issuance to bear interest at a rate not to exceed four per centum per annum, payable semi-annually on the first days of January and July of each year at a bank in the City of New York to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from (1) to sixty (60) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed, or lithographed suitable bonds in proper form with coupons attached for the purposes of this act. All such bonds shall be signed by the Secretary of State with his own proper name affixing his official character and shall be authenticated by the great seal of the State and shall also be signed, or endorsed, by the Governor of the State with his own

proper name, affixing his official character and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds showing the number and amount of each bond and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of the issuing of said bond under the provisions of this act, the State Treasurer shall sign them with his own proper name affixing his official character and shall in like manner sign the coupons thereunto attached and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring, or mutilating the bonds and shall be severally numbered from one (1) to forty (40), each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from sale of said bonds shall be by said Treasurer placed in a certain fund to be known as "The Academy of Idaho Improvement Fund." None of said bonds, however, shall be sold for less than their face or par value. The expense of printing, or lithographing, and procuring said bonds with coupons attached, shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of securing the payment of the principal of the bonds provided for in this act the proceeds of the sale of the lands, or of timber growing thereon, granted to the State of Idaho by the United States of America, "for other State charitable, educational, penal and reformatory institutions" and set apart and appropriated to the use of said academy by Section six (6) of said act establishing said academy, are hereby set apart as a separate fund to be known as "The Academy of Idaho Improvement Bonds Sinking Fund" subject, however, first to the payment of bonds and the interest thereon issued under the provisions of said act establishing said academy; and after full satisfaction of the obligations provided for in Section nineteen (19) of said act estab-

lishing said academy and after payment of the said principal of the said bond provided by this act then the proceeds of the sale of said lands, or timber, shall be paid into the general fund of the State treasury until an amount equal to the total amount of interest that has heretofore been paid out of said general fund on said bonds issued under the provisions of this act, less the amount of interest that may have been paid into the said general fund from investment of the Academy of Idaho improvement bonds sinking fund moneys in State warrants as hereinafter provided for has been so paid into said general fund. When the principal of said bonds shall have been fully paid and the general fund of the State reimbursed for the interest on said bonds provided in this act as herein specified then and thereafter the proceeds of the sales of such land and timber shall be disposed of as may by law be provided.

SEC. 6. At any time after ten years from the issuance of said bonds whenever there shall be five thousand dollars ($5,000.00) of said sinking fund the Treasurer of the State shall make a call by publication for sixty days in some daily newspaper in this State notifying all the parties interested that certain bonds of the Academy of Idaho improvement bonds provided by this act, giving their numbers, will at a certain date be paid at the office of said Treasurer and the bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 7. At any time when money to the amount of one thousand dollars ($1,000.00), or more, is in said sinking fund it is hereby made the duty of the State Treasurer to invest such money in registered State warrants of this State and in registered State warrants only and to hold such warrants until they are redeemed as a part of said sinking fund, and whenever State warrants so held by the Treasurer are paid the Treasurer shall certify the amount of interest that may have accrued thereon to the State Auditor and the amount of such interest shall thereupon be placed to the credit of and become a part of the general fund of the State and the amount of the principal of said sinking fund invested in such shall upon the redemption of said warrants be returned to said sinking fund to be reinvested in the same manner: *Provided*, That when the principal of said sinking fund is required for the redemp-

tion of the bonds called as provided for in this act such principal shall not be so invested in such warrants.

SEC. 8. For the prompt payment of the interest that may accrue upon said bonds there is hereby appropriated for each year out of any moneys in the State Treasury, not otherwise appropriated, an amount equal to the amount of said interest on said bonds as the same may become due and for the payments of such interest when due the Treasurer of the State shall reserve any and sufficient of the funds in his hands in preference to all other claims whatsoever except the interest on bonds of the State heretofore issued pursuant to law.

SEC. 9. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of money so received and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold.

SEC. 10. All moneys paid, or to be paid in the Academy of Idaho improvement fund are hereby appropriated to the Academy of Idaho for the following purposes, to wit:

For completing the main building and furnishing the same ..... $ 8,300 00
For library and apparatus and for equipment for mechanic arts and domestic science and arts. 1,500 00
For grading and fencing grounds and for trees and water 1,700 00
For dormitory building and equipment..... 18,500 00

SEC. 11. All moneys appropriated in accordance with the provisions of this act shall be expended and accounts therefor audited and paid in the manner provided in the act establishing said academy.

SEC. 12. An emergency existing therefor this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 27th day of February, 1903.

HOUSE BILL NO. 59.

AN ACT

PROVIDING FOR THE CONSTRUCTION OF A WAGON ROAD BRIDGE ACROSS THE SNAKE RIVER BETWEEN THE COUNTIES OF ONEIDA AND BLAINE: APPROPRIATING TEN THOUSAND DOLLARS FOR THE CONSTRUCTION OF SUCH BRIDGE. PROVIDING FOR THE APPOINTMENT, QUALIFICATION AND SALARY OF THE COMMISSION TO SUPER-

VISE THE WORK AND TO MAKE REQUISITIONS UPON SAID APPROPRIATION FOR PAYING FOR WORK THEREON.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be constructed across Snake River between the counties of Oneida and Blaine at American Falls on the main route of the wagon road leading west to Shoshone and other points, or at the most feasible point near said road crossing a wagon bridge to be constructed of either wood, iron or steel together with suitable and necessary approaches thereto with roads and grades to connect said bridge with the present system of county roads in said counties.

SEC. 2. For the construction of said bridge, grades, roads, and approaches there is hereby appropriated the sum of ten thousand dollars or so much thereof as may be necessary out of any funds in the State Treasury not otherwise appropriated.

SEC. 3. Within thirty days after the passage and approval of this act, the several boards of county commissioners of the counties hereinafter mentioned, shall appoint, each one bridge commissioner from their respective counties, Oneida, Blaine and Bannock, who shall constitute a commission whose duty it shall be to select the site of said bridge and to have general charge of the construction thereof. For their services, as such commissioners, they shall each receive the sum of five dollars per day actually and necessarily employed in the discharge of their duties as such commissioners, but total compensation to each commissioner shall not exceed the sum of one hundred and fifty dollars. Said commissioners shall each give a bond in the sum of two thousand dollars to be approved by the Governor and conditioned for the faithful performance of their duties as such commissioners. Said commission shall elect a chairman and secretary from among their members who shall perform the duties of such position without compensation.

SEC. 4. As soon as practicable after the appointment and qualification of said commission, the State Engineer shall prepare or cause to be prepared and furnished to the said commission suitable plans, specifications and estimates of the cost of said bridge and the approaches there-

to and the commission upon the receipt of such plans, specifications, and estimates shall immediately thereafter advertise for bids for the construction of said bridge and the approaches and grades in accordance with the plans so furnished by the State Engineer, said advertising shall be by publication in one newspaper in each of the counties herein above mentioned, said publication to continue for at least thirty days and the said commissioners shall award the contract for the construction of said bridge, grades and approaches to the lowest responsible bidder.

SEC. 5. Said commission upon the approval of the State Engineer, shall make requisition upon the State Auditor from time to time for such sum or sums of money as may be needed and required and the same shall be applied in payment of work done under said contract in the construction of said bridge, grades and approaches, and it shall be the duty of the State Auditor to draw warrants on the State Treasurer for such sums as may be requistioned by the said commission for said purpose not exceeding in all the sum hereby appropriated and the State Treasurer shall pay such warrants out of moneys in the State Treasury not otherwise appropriated.

SEC. 6. Whereas an emergency exists this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 60.

AN ACT

AMENDING SECTION 4055 OF THE REVISED STATUTES OF IDAHO AND RELATING TO THE RECOVERY OF PROPERTY OTHER THAN REAL.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 4055 of the Revised Statutes of the State of Idaho be and is hereby amended to read as follows:

Section 4055. Within two years:

1. An action against a sheriff, coroner, or constable, upon the liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the omission of an official duty, including the non-payment of money collected upon an execution;

2. An action upon a statute for a penalty or forfeiture, where the action is given to an individual, or to an individual and the State, except when the statute imposing it prescribes a different limitation;

3. An action upon a statute or upon an undertaking in a criminal action for a forfeiture or penalty to a county or to the people of the State;

4. An action to recover damages for an injury to the person or for the death of one caused by the wrongful act or neglect of another;

5. An action for libel, slander, assault, battery, false imprisonment or seduction;

6. An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

SEC. 2. All acts and parts of acts in conflict herewith or inconsistent with the provisions hereof are hereby repealed.

SEC. 3. Whereas an emergency exists therefor, this act shall take effect immediately from and after its passage.

Approved the 27th day of February, 1903.

HOUSE BILL NO. 63.

AN ACT

CONCERNING THE ENROLLMENT AND ORGANIZATION OF THE MILITIA OF THE STATE OF IDAHO; PRESCRIBING THE NUMBER AND RANK OF THE OFFICERS THEREOF, AND DEFINING THE DUTIES AND SALARIES OF SUCH OFFICERS: AND TO REPEAL ALL LAWS IN CONFLICT WITH THE PROVISIONS OF THIS BILL.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Every ablebodied male citizen of Idaho, and those who have declared their intention to become citizens of the United States, residing therein, between the ages of eighteen and forty-five years, except persons exempt by law, shall be subject to military duty; excepting (a) persons exempted by any statute of this State; (b) all persons in the army or navy of the United States and those who have been honorably discharged therefrom; (c) idiots, lunatics, habitual drunkards, and felons convicted of infamous crimes and not pardoned.

ARTICLE 2.

Organization.

SECTION 1. The Governor shall be commander-in-chief

of the militia, except when called into the service of the United States, and may employ it for the defense, or relief of the State, the enforcement of its laws and the protection of life and property within its territory. He shall make and publish regulations for the government of the National Guard, and shall have all the power necessary to carry into full effect the provisions of this act; and for the purpose of formulating these regulations, he may convene boards of officers who shall recommend, for his approval, a code prescribing the duties of the staff department, the messing and interior economy of companies, the sanitation of camps, rules for the preservation of health, etc., etc.

He shall immediately upon assuming his office, appoint an Adjutant General who shall be chief of staff and inspector general with the rank of colonel; one quartermaster general with the rank of lieutenant colonel; one chief commissary with the rank of lieutenant colonel, who shall also act as paymaster; one assistant adjutant general with the rank of lieutenant colonel; one medical director with the rank of lieutenant colonel; two or more aides-de-camp each with rank of captain; all to take office immediately upon appointment by the Governor, and to serve for two years, or until their successors are qualified, unless sooner removed by him: *Provided,* That the Governor shall have power to remove for cause any and all said officers, and to fill vacancies.

The Attorney General of the State shall be the ex officio judge advocate general thereof with the rank of lieutenant colonel.

Should a United States army officer be detailed for duty with the National Guard, he shall be known as the deputy inspector general, with the rank of major.

National Guard.

SEC. 2. The organized militia shall be designated "The National Guard of Idaho." In time of peace the National Guard of Idaho shall consist of the staff of the commander-in-chief; the corps of cadets of the State university; not more than one battery of field artillery; one squadron of cavalry of four troops; two regiments of twelve (12) companies each of infantry, divided into three battallions of four companies, and a medical corps to consist of a surgeon, with the rank of major, and one assistant surgeon, with the rank of captain, and the retired list.

Regimental and Battalion—Organization.

The regiments shall each be officered by one colonel whose term of continuous service as such colonel shall be limited to three years, one lieutenant colonel and three majors. The regimental staff shall consist of one regimental adjutant, one quartermaster and one commissary, each with the rank of captain, mounted, and one chaplain with the rank of captain of infantry. The regimental staff shall be appointed by the regimental commander, subject to the approval of, and on the commission of, the commander-in-chief.

The regimental non-commissioned staff shall consist of one sergeant-major, one quartermaster sergeant, one commissary sergeant, and two color sergeants, who shall be appointed by the regimental commander from the enlisted men of his command.

The battalion staff shall consist of one battalion adjutant with the rank of first lieutenant, mounted, and one battalion quartermaster and commissary, with the rank of first lieutenant mounted, who shall be appointed by the battalion commander, subject to the approval of the colonel, and on the commission of the commander-in-chief, and one battalion sergeant-major who shall be appointed by the battalion commander, from the enlisted men of his command.

Company, Battery and Troop—Organization.

Each infantry company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster, sergeant, four sergeants, six corporals, two cooks, two musicians, one artificer, and not less than twenty-four, nor more than eighty-five privates. A battery shall consist of one captain, two first lieutenants, one second lieutenant, one first sergeant, one stable sergeant, one quartermaster sergeant, six sergeants, twelve corporals, four artificers, two musicians, two cooks, and not less than twenty-five, nor more than ninety-one privates.

Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster sergeant, six sergeants, six corporals, two cooks, two farriers and blacksmiths, one saddler, one wagoner, two trumpeters, and not less than twenty-five, nor more than fifty-one privates.

In time of war, or in great public danger, the Governor

may recruit the companies, battery and troop to the maximum allowed in the United States army.

SEC. 3. The corps of cadets shall be organized and governed by such rules, as may be prescribed by the faculty of the university. They shall not be subject to duty in case of riots, tumult, breach of peace, resistance to process, invasion, or insurrection, but may only, with the consent of the majority of the faculty, be ordered to parade, encampment or other military exercise.

They may, under orders of the commander-in-chief, be paraded on the university grounds for inspection.

SEC. 4. The company officers shall be elected by ballot, by the members of their respective troops, battery and companies, subject to the approval of the commander-in-chief. If the candidate elected fails to receive the approval of the commander-in-chief, his name shall not again be presented to fill the vacancy, except by permission of the commander-in-chief. In all cases a majority of all the votes of the organization, cast at an election, shall be necessary to a choice. All commissioned officers shall hold their commissions for three years from date of election.

In case of vacancy, each officer and enlisted man, entitled to a vote at the election to fill the vacancy shall be served with a notice, at his last known address, at least ten days prior to said election.

SEC. 5. After the organization of a company, battery or troop, recruits may be enlisted into the same by the commanding officer, and shall be required to sign their names to an enlistment roll to be furnished by the Adjutant General for that purpose, and such signing shall be legal enlistment.

Every commissioned officer shall be empowered to administer the oath required on enlistment.

SEC. 6. The military officers of the State shall be chosen as follows: Field and line officers of the regiment, squadron and battery by the written, or printed, votes of a majority of the commissioned officers of said companies, squadron and battery.

The medicine staff to be appointed by the commander-in-chief: *Provided,* That no officer, other than the medical staff, shall be commissioned, until he has successfully passed an examination, as to his educational qualification, necessary to an efficient performance of his duties, before

a board of three qualified examiners, to be appointed by the commander-in-chief.

SEC. 7. Staff officers of the regiment, squadron and battery shall be elected as herein provided and commissioned by the commander-in-chief upon the recommendation of their respective commanders, except as to the medical staff.

SEC. 8. Staff officers of the battalion and squadron and officers appointed as herein provided shall be notified by letter of their appointment, by the Adjutant General.

They shall be allowed thirty days from the date of such letter in which to prepare for an examination, which will consist of a thorough examination as to their fitness for their positions, and shall be conducted by the board of examiners heretofore prescribed. Should any of these officers fail to pass the examination, they shall be reported as incompetent and shall not be commissioned. And an appointment shall be made to fill the vacancy, or vacancies, as the case may require.

SEC. 9. All members of any troop, battery or company, who shall have served at least one year in the army of the United States or in the National Guard of this or some other State, or who shall have attended some school or college where military instructions is had shall be eligible to enter an examination to determine their eligibility for a commission: *Provided,* That such examination shall be held by the board of examiners heretofore provided, and shall consist of a thorough examination of the mental, moral and physical qualifications of the candidate. These examinations shall be in writing and the questions therefor shall be in writing, and the questions therefor shall be prepared by the board of examiners.

These questions shall be furnished the inspector general who shall conduct the examination and forward the examination papers to the board of examiners who shall carefully consider them and certify the names of the successful candidates to the Adjutant General who shall keep a roster of the same.

SEC. 10. When a vacancy occurs among the commissioned officers of any troop, battery or company, the Adjutant General shall notify the commanding officer, and furnish him a list of all members of the company who are eligible to election. The commanding officer shall then

order an election to be held, and shall furnish the list of eligible candidates to the officer, directed to preside at the election.

SEC. 11. An officer thus elected shall within ten days of his election file his bond, and shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will bear allegiance to the United States of America and to the State of Idaho; that I will serve them honestly and faithfully against all their enemies and opposers whomsoever; and that I will observe and obey the orders of the President of the United States, the Governor of the State of Idaho, and the officers appointed over me according to the rules and articles for the government of the armies of the United States, and the National Guard of this State," before some officer qualified to administer oaths.

The officer who administers this oath shall certify the fact and transmit the oath or affirmation, properly sealed and attested to by the Adjutant General who shall file the same.

A commission signed by the Governor and countersigned by the Adjutant General, under seal of the Adjutant General's office, shall then be issued, the officer to take rank from date of original appointment, or election. If it shall appear to the satisfaction of the Governor, by the affidavit of competent witnesses, that an officer offered any consideration, reward, or favor, for the withholding, or casting of a vote at the election at which he was chosen, he shall be dishonorably discharged from the service of the State: *Provided,* That no charge shall be allowed, or pay received for any commission issued under the provisions of this act.

SEC. 12. The retired list shall consist of all ex-Adjutant General, all ex-inspectors general, all ex-medical directors, ex-chief commissaries and quartermasters general, and such other officers as shall, after having served five years, as officers, and enlisted men after having served nine years, apply to the Governor to be placed on the retired list.

SEC. 13. The rank of all officers now in the service, or hereafter commissioned, shall date from date of election or appointment, and an officer who has served continuously in the same grade for more than one term, either by re-elec-

tion or appointment, shall take rank from the date of his first commission in that grade.

SEC. 14. The resignation of officers shall be addressed to the commander-in-chief and transmitted to the Adjutant General, through the regular military channels; and all commanding officers, before forwarding resignations shall endorse thereon their approval, or disapproval, together with all facts bearing on the case. But an officer tending his resignation shall not be considered out of service until his resignation has been accepted.

SEC. 15. An officer who moves out of the county, where his command is located, or who absents himself from his command for one month, without leave from his commanding officer, shall be considered as having vacated his office, and an election shall be ordered, and held without delay, to fill the vacancy.

SEC. 16. Whenever a company, troop or battery, becomes reduced in numbers below the minimum strength (twenty-five privates), or from general insubordination, contention, or other cause, becomes demoralized and inefficient, and its disbandment is therefore necessary for the good of the service, the commander-in-chief shall disband the same and order the officers thereof to be mustered out of service. But no member of a company troop or battery, shall be dishonorably discharged, except upon due trial and conviction by a court martial, or in some other lawful manner.

SEC. 17. The command of any military force called into service, under the provisions of this act, shall devolve upon the senior officer present of such force, until a field officer shall have been designated by the commander-in-chief.

SEC. 18. All officers and enlisted men of the Idaho National Guard are hereby declared exempt from all poll or road tax, and jury duty, so long as they continue active members thereof.

SEC. 19. Every enlisted man shall be held to service for a term of three years unless he be properly discharged. Upon the expiration of the service on any enlisted man, the commandant of his company, troop or battery, shall prepare a discharge on the blank furnished for that purpose, and submit it to the senior officer of the command to which he belongs, who, having signed it, will return it

to the commanding officer of the company, troop or battery, in time for it to be delivered to the man on the day on which his term of service expires. In all other cases, enlisted men will not be discharged except upon the receipt of a specific order from the commander-in-chief directing such discharge. The company commander shall, upon his monthly return, report all discharges to his regimental, battalion, or squadron commander.

SEC. 20. At the expiration of the term of service, or upon the acceptance of the resignation of a commissioned officer, the Adjutant General, upon the approval of the Governor, shall issue to such officer a discharge, showing the reason therefor, and the length of time served.

SEC. 21. It shall be the duty of the assessor of each county in the State, annually, at the time prescribed by law for assessing property, to make out a list of all persons in the respective counties who are liable to do military duty, under the laws of the United States and the State of Idaho, which list shall designate the precinct in which each person named in such list resides, and shall be filed by such assessor in the office of the county auditor of the respective counties, at the same time and in the same manner as is provided by law for the assessment roll, and the Auditor shall keep the same open for inspection, as is provided by law for the assessment roll, and also record the same, alphabetically, in his office in a book kept for that purpose.

SEC. 22. The said military assessment list shall be corrected, in the same manner, and at the same time, as is provided by law for the assessment roll; and it shall be the duty of the county auditor of each county within twenty days after the list has been corrected; to transmit to the Adjutant General of the State a certificate, under his official seal of the total number of names on such military assessment list, arranged according to the several precincts of the county.

SEC. 23. There may be expended, under the direction of the commander-in-chief, annually, in each county of the State, out of the general fund, not to exceed one hundred dollars, and in addition thereto, the county commissioners of each county may in their discretion, expend annually not to exceed one hundred and fifty dollars, out of the county current expense fund, for rent or purchase of

armory buildings for the use of such companies of the Idaho National Guard as organized under the provisions of this title, and which shall meet, at least once in each month, in such armory for military instructions.

ARTICLE 3.

Staff Departments, Officers and Their Duties.

SECTION 1. The Adjutant General shall hold his office for the term of two years, and until his successor is appointed and qualified, unless sooner removed for misconduct, or in the case of the vacation of his office by resignation duly accepted. He shall distribute all orders from the commander-in-chief; he shall be the organ of all communications from the State troops to the commander-in-chief, and shall attend him when required in reviews of the State troops, or whenever ordered in the performance of duty; he shall obey, and issue such orders as the commander-in-chief shall give in relation to all military matters, and shall be entitled to the use of the coat-of-arms of the State as his seal of office, with the words added there: "State of Idaho, Adjutant General's Office."

He shall annually make return, in triplicate, of all the militia of the State, one copy whereof he shall deliver to the commander-in-chief, on or before the 15th day of December, one copy shall be transmitted to the President of the United States, on or before the first day of January thereafter, and one shall be filed in his office.

SEC. 2. The Adjutant General shall, under the direction of the military board, purchase clothing, camp and garrison equipage, ammunition and such other military stores as may be authorized; and shall, upon requisitions properly approved, issue ordnance and ordnance stores, clothing camp and garrison equipage and such other stores as may be necessary, to the respective commands.

The Adjutant General shall keep in good order and preservation ordnance and ordnance stores, clothing and equipments, camp and garrison equipage, flags, banners, and military relics of all description, which are the property of the State and not issued to troops, and shall have control of the same, subject to the order of the commander-in-chief.

SEC. 3. The Adjutant General shall require bonds for all disbursing and distributing officers of his department, and other officers in charge of public property, the amount

to be fixed by the State Military Board and approved by the commander-in-chief, which bonds when approved by the military board shall be filed in the Adjutant General's office.

SEC. 4. The Adjutant General shall provide the several departments on their requisition, with the necessary rosters, books of record, blank warrants, enlistments, discharges, rolls and other papers required by law and regulations at the expense of the State.

SEC. 5. The annual compensation of the Adjutant General in time of peace shall be one thousand dollars; ($1,000), and it shall be payable quarterly out of the general fund.

SEC. 6. For the current expense of the Adjutant General's office there is hereby appropriated the sum of one thousand dollars ($1,000) annually out of the general fund, or so much thereof as the Adjutant General may sign requisition for, and the State Treasurer is hereby authorized and directed to pay the said requisitions upon warrant by the State Auditor, upon bill approved by the State Board of Examiners.

SEC. 7. The deputy inspector general shall hold his office during the term of his detail, and until his successor is appointed and qualified. He shall make such inspection during each year as the commander-in-chief may designate. He shall be reimbursed from the current fund, prescribed in the preceding Section No. 6, to the extent of his necessary traveling expenses, while upon such tours of inspection.

SEC. 8. The State Military Board shall consist of the commander-in-chief, Adjutant General, a field officer, and a captain of the line, to be designated by the commander-in-chief. It shall be the duty of the board to purchase, with the approval of the commander-in-chief, all equipments, stores, etc., required for the National Guard.

SEC. 10. For the purpose of defraying the current expenses of the Adjutant General's department, the payment of the Adjutant General's salary and clerk hire, the arming and equipping of companies thereof as they are organized, there is hereby appropriated out of the general fund for the official year 1903, the sum of two thousand dollars ($2,000.) and for the official year 1904, the sum of two thousand dollars ($2,000.).

ARTICLE 4.

Discipline, Uniforms, Drills, Etc.

SECTION 1. The National Guard of Idaho shall be governed by the military law of the State, the code of regulations, the orders of the commander-in-chief, and, whenever applicable, by the regulations, articles of war and customs of the service in the United States army.

SEC. 2. The uniform and equipment of all the officers in the National Guard shall be the uniform for the officers in the United States army, except as to such minor changes as may be ordered by the commander-inchief.

The word "Idaho" shall appear on collars of all uniforms. The buttons shall have the coat-of-arms of the State.

Facings shall constitute a part of the fatigue uniform and the facings shall be distinct for each battalion, squadron or battery.

Each battalion, squadron or battery may also be equipped with full dress uniforms at the expense of the individual members. But no uniform shall be selected for this purpose until recommended by a board of officers and the recommendation shall have been approved by the commander-in-chief.

SEC. 3. Any member of the National Guard losing, destroying mutilating or making away with, any of the military property of the United States, thus furnished, or any part thereof, shall be punished at the discretion of the court-martial.

Any other person, not a member of the National Guard, who shall so offend shall be punished according to the State laws for similar offences.

SEC. 4. It shall be unlawful for any person, not a member of the National Guard, to wear any portion of the uniform prescribed for the National Guard of this State. Any person so offending shall, upon conviction, be fined in a sum of not less than five, nor more than twenty-five dollars, or imprisoned in the county jail for a period of not more than twenty-five days. And whosoever shall secrete, sell, dispose of, offer for sale, purchase or retain, after proper demand made, or in any manner pawn, or pledge any uniform, overcoat, clothing or equipage, or any part thereof which shall have been issued by the State, or purchased with company funds, shall be deemed guilty of

a misdemeanor, and shall be punished by imprisonment in the county jail for not less than one, nor more than three months, or by a fine of not more than one hundred dollars, nor less than fifty dollars.

SEC. 5. It shall be the duty of the commander-in-chief, if in his judgment the same shall be necessary, to order an encampment of the National Guard to be held each year, such encampment to be held at some convenient point to be selected by the commander-in-chief.

At least one month's notice of such encampment shall be given each company commander by his commanding officer.

SEC. 6. Officers and enlisted men, when serving under the orders of the Governor to prevent violation of the laws of the State, or to prevent or suppress riot, or insurrection, or to repel, or prevent invasion, shall, until such time as other provision is made for the payment of the services rendered, receive pay out of the general fund of the State at the following rates: All commissioned officers shall receive the same pay as is paid to the United States army officers of like grade. Sergeant majors, quartermaster sergeants and hospital stewards shall be paid the sum of two dollars per day for the first twenty days' service; first sergeants and acting hospital stewards, one dollar and seventy-five cents per day for the first twenty days' service; sergeants and corporals one dollar and sixty-five cents per day for the first twenty days' service, and privates, one dollar and fifty cents per day for the first twenty days' service. And privates, one dollar and fifty cents per day for the first twenty days' service. After twenty days' service, fifty cents less per day for each of the above mentioned non-commissioned officers and privates. The necessary transportation, medical attendance and supplies, quarters and subsistence, shall also be provided for them and reasonable allowance shall also be made for animals necessarily used.

SEC. 7. Payments under the preceding section shall be made by the paymaster; no voucher for any such payment shall be audited unless certified as correct by the proper commanding officer and passed upon by the State Military Board; pay rolls of companies, troops and batteries, and also of field and staff officers, non-commissioned staff of bands and regiments shall be furnished and certified to by the commanding officers of such organization.

ARTICLE 5.

Military Courts.

SECTION 1. The military courts of this State shall be:

(a) Courts of inquiry.

(b) General courts martial.

(c) Summary courts.

SEC. 2. Courts of inquiry may be ordered under such regulations as may be prescribed by the Military Board in the code of regulations provided for in Section 10 of Article 4 of this act.

SEC. 3. General courts martial for the trial of officers and enlisted men upon charges and specifications preferred by commissioned officers shall be ordered by the commander-in-chief and shall consist of not less than five, nor more than nine, members and a judge advocate. The jurisdiction of, and the mode or precedence of, general courts martial shall conform to the jurisdiction and practice of like courts in the United States army.

SEC. 4. The proceedings of all general courts martial, and all papers relating thereto, shall be transmitted to the Adjutant General for the action of the commander-in-chief.

SEC. 5. The president of the general court martial, court of inquiry, or a summary court, may issue subpoenas and force the attendance of witnesses, and punish a refusal as provided for in civil courts.

SEC. 6. Fines assessed by summary courts shall, when collected, be paid to the treasurer of the proper company, troop or battery, and all other fines shall, when collected, be paid into the treasury of the proper county, to be placed to the credit of the State military fund. When fines assessed by courts martial or courts of inquiry, are not paid within thirty days after the sentences are approved, a list thereof, and of the delinquents certified by the judge advocate of such courts martial, or courts of inquiry, shall be placed in the hands of justices of the peace, within the precincts in which the delinquents reside, who shall thereupon render judgment, and proceed to collect the same as in other civil actions.

ARTICLE 6.

Miscellaneous.

SECTION 1. When the State shall be called upon to furnish volunteers, the members of the National Guard shall be given preference in enlistments, but no member of the

National Guard shall be required to enlist in the army of the United States in the event of war.

The National Guard of this State may be ordered into the service of the United States by the President of the United States, for any purpose for which he is authorized to use the militia of the State by the constitution and statutes of the United States.

SEC. 2. When an invasion of or insurrection is made, or threatened, the Governor shall order the National Guard to repel, or suppress, the same.

SEC. 3. When there is in any town, city or county a tumult, riot, mob or body of men, acting together by force with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the State, or when such tumult, riot or mob is threatened, and the fact is made to appear to the Governor, by the sheriff of the county, or mayor of the city or town, the Governor may issue his order to any commanding office of any portion of the National Guard, directing him to order his command to appear at a time and place designated, to aid the civil authority to suppress such violence, and to support the law.

SEC. 3. The officer to whom the order or call, is directed, shall forthwith order the troops therein mentioned to parade at the time and place appointed; and if he neglect or refuse to obey, or if any officer refuses or neglects to obey any such order, issued in pursuance of any such case, he shall be cashiered, and be further punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, or imprisoned not to exceed six months or both, at the discretion of the court martial; or, a person who advises, or endeavors, to persuade an officer, or soldier to refuse, or neglect, to appear at such place, or to obey such orders, shall, on conviction thereof by the county court, be imprisoned not to exceed six months, or fined not to exceed one thousand dollars, or both, at the discretion of the court. All fines assessed under this section shall be paid to the Treasurer of the State for the benefit of the State military fund.

SEC. 4. When the commanding officer of a company, troop, or battery, orders out his command for such duty, he may order enlisted men to notify the men enrolled in such organization to appear at the time and place appointed.

These men shall give notice of such time and place of meeting to each man personally, or by leaving at his usual place of abode a written or printed order, signed by the enlisted man serving the same, which notice shall be sufficient warning.

SEC. 5. Every enlisted man who refuses, or neglects, to serve such notice, when duly ordered so to do, and every officer and enlisted man, who having been served with notice as provided in the preceding section, refuses, or neglects, to obey the same promptly, shall be fined not less than ten, nor more than one hundred dollars, at the discretion of the court martial; all fines assessed under this section shall be paid to the Treasurer of the State for the benefit of the State military fund.

SEC. 6. Adjutants of battalion and squadrons, and first sergeants of troops, batteries, companies, etc., shall attend to and record in books to be provided for that purpose all returns made; and perform such other duties as may from time to time be required of them by the commandant of the organization.

In case of their absence, suitable persons shall be required to perform their duties.

SEC. 7. The commanding officer of each company, troop or battery, shall annually, in March, furnish the Adjutant General a muster roll of his company, and shall within ten days after each encampment required by law, make a return to the battalion or squadron commander showing the state of his company with the number enrolled therein, and the condition of all the arms, uniforms, equipments and ammunition. The commander of each regiment, squadron or battery shall within twenty days after each encampment, make to the Adjutant General a like report of his command.

SEC. 8. Every officer, or other person having the custody, or control, of the military property of the State, shall, from time to time, make a return of the same in such form, and to such departments, as the regulations may require.

SEC. 9. Every person having the custody of the funds of any military organization shall enter into bond, in twice the amount likely to be held in his hands at any time, but never in less amount than one hundred dollars, with not less than two good and sufficient sureties to be ap-

proved by the County Clerk of the county in which said sureties reside, payable to the State of Idaho for the use of such organizations, for the faithful and honest discharge of his duties, and the careful keeping and disbursements of said funds.

SEC. 10. The Governor shall, from time to time, cause such numbers of this act, as may be deemed necessary, to be printed, and the same shall be distributed to the National Guard by the Adjutant General.

SEC. 11. That all laws and parts of laws conflicting with the provisions of the act are hereby repealed.

SEC. 12. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 68.

AN ACT

CREATING THE SIXTH JUDICIAL DISTRICT; PROVIDING FOR THE APPOINTMENT OF A JUDGE THEREOF; PROVIDING FOR THE FIXING OF THE TERMS OF COURT IN SAID DISTRICT; AND RELATING TO THE CAUSES, MATTERS OR PROCEEDINGS PENDING IN THE COUNTIES COMPRISING SAID DISTRICT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The counties of Fremont, Bingham, Lemhi and Custer, shall constitute and comprise the Sixth Judicial District of this State.

SEC. 2. The Governor shall, within thirty days after the passage of this act, appoint a judge of said Sixth District to hold office until his successor is elected.

SEC. 3. The said judge so appointed shall, within twenty days after his appointment, appoint and fix the terms of the courts in said district.

SEC. 4. All causes, matters or proceedings now pending in the district courts of said counties of Fremont, Bingham, Lemhi and Custer shall be continued, tried and determined in said Sixth District, and by the judge thereof, as if originally commenced in same.

SEC. 5. An emergency existing therefor, this act shall take effect immediately.

Approved the 2nd day of March, 1903.

HOUSE BILL NO. 74.

AN ACT

AMENDING SUBDIVISION FOUR OF AN APPROVED FEBRUARY 10, 1899, EXEMPTING CERTAIN PROPERTY FROM TAXATION. AMENDING SECTION FOURTEEN HUNDRED AND ONE OF THE REVISED STATUTES OF IDAHO, 1887, AND ADDING TO CHAPTER ONE, TITLE TEN, OF THE POLITICAL CODE OF IDAHO, SECTION FOURTEEN HUNDRED AND TWO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1401 of the Revised Statutes of Idaho be amended to read as follows:

Section 1401. The following property is exempt from taxation:

First. All property used exclusively for school purposes, and such as may belong to the United States, this State, or to any county or municipal corporation or school district within this State:

Second. Churches, chapels and other buildings, with the lots of ground appurtenant thereto and used therewith, belonging to any church organization or society and used for religious worship from which no rent is derived with their furniture and equipments; and hospitals used for benevolent purposes with the lots of ground appurtenant thereto and used therewith from which no rent is derived, with their furniture and equipments; also public cemeteries;

Third. Buildings or parts of buildings owned and used by the orders of Masons and Odd Fellows, or by any other benevolent or charitable society exclusively for the purpose of its order, and their furniture and equipments;

Fourth. The property of resident widows, divorced women and orphan children not to exceed the amount of one thousand ($1,000) dollars, to any one family, when their total assessment is less than five thousand ($5,000) dollars;

Fifth. Growing crops;

Sixth. Capital stock of corporations when the property of the corporation has been assessed;

Seventh. Public and private libraries;

Eighth. Tools of a mechanic, farmer, miner, prospector or house holder or the farming implements and machinery or farmers, not exceeding in value two hundred (200) dollars;

Ninth. Possessory rights to public lands;

Tenth. All dues and credits secured by mortgage, trust deed or other lien;

Eleventh. Mining claims not patented; but machinery, property and improvements upon or appurtenant to mining claims shall not be exempt.

SEC 2. That chapter one, title ten, of the Political Code of Idaho, be amended by adding thereto Section 1402 to read as follows:

Section 1402. The following property is exempt from taxation; all irrigating canals and ditches and water rights appurtenant thereto, when the owner or owners of said irrigating canals and ditches use the water thereof exclusively upon land or lands owned by him, her or them: *Provided,* In case any water shall be sold or rented from any such canal or ditch, then, in that event, such canal or ditch shall be taxed to the extent of such sale or rental.

SEC. 3. An emergency existing therefor this act shall take effect and be in force from and after its passage and approval by the Governor.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 78.

AN ACT

TO AUTHORIZE THE ORGANIZATION OF MUTUAL CO-OPERATIVE INSURANCE COMPANIES, TO INSURE BOTH PERSONAL AND REAL PROPERTY AGAINST LOSS BY FIRE, LIGHTNING, TORNADO, CYCLONE, WINDSTORM, AND THE FIDELITY OF PERSONS AND TO REGULATE THEIR CONDUCT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. *Organization.*—Any number of persons residing in this State who own personal or real property of not less than $100,000.00 in value which they desire to have insured may associate themselves together for the purpose of mutual co-operative insurance against loss by fire, lightning, tornadoes, cyclone, windstorm and the fidelity of persons, and form an incorporated company for such purposes and issue policies. Such companies shall embody the words, "Mutual Co-operative," in its name.

SEC. 2. *Recording.*—The articles of incorporation of

such company shall be filed with the insurance commissioner for examination. If by him found to be in accordance with the provisions of this act, and the name of such company is not similar to the name of any other insurance company organized in this State, he shall thereupon deliver to such company a certified copy of the articles of incorporation, which on being recorded in the office of the recorder of the county where the principal office of such company shall be located, and a copy thereof, certified by the county recorder, filed with the Secretary of State, the Secretary of State must then issue to the corporation, over his official seal, a certificate that a copy of the articles containing the required statement of facts has been filed in his office; and thereupon the persons executing the articles, and their associates and successors, shall be entitled to transact business and issue policies of insurance under the corporate name stated in the articles, and for the term of fifty years, unless it is in the articles of incorporation otherwise stated, or by law otherwise specially provided.

A copy of any articles of incorporation filed in pursuance of this act and certified by the Secretary of State must be received in all courts and elsewhere as prima facia evidence of the facts therein stated.

SEC. 3. *Members.*—All persons and corporations, municipal or otherwise, who effect insurance in any company organized under the provisions of this act shall thereby become members of such company and continue to be during the period that their insurance is in force and no longer. All persons so insured shall give their obligation to such company in an application binding themselves, their heirs, executors, administrators, successors or assigns to pay all legal assessments made upon them by such company. They shall also at the time of effecting insurance pay such an amount in cash as is provided for in the by-laws, but no company shall organize or transact business that does not provide for a reasonable amount of cash to be paid down at the time the insurance is taken in proportion to the risk that is to be carried. The application of any corporation or municipality for insurance in any company shall be signed by the officer or officers authorized to sign ordinary contracts of such corporations or municipalities.

SEC. 4. *Meetings.*—An annual meeting of such com-

pany for the purpose of electing directors as provided in the articles of incorporation, shall be held in each year at the principal office of such company, of which all members shall be notified in such manner and form as the by-laws shall provide. Special meetings may be held by order of the president upon the written request of a majority of all directors with a like notice. Each member may vote by ballot for as many persons as there are directors to be elected.

SEC. 5. *Directors.*—The number of directors shall be not less than six or more than twelve. Of those elected at the time of the organization of such company, one-third shall be elected for one year, one-third for two years and one-third for three years. At each annual meeting thereafter a number equal to one-third of the whole number of directors shall be elected for three years or until their successors are elected and qualified. Such directors are to manage the affairs of the company. Vacancies in the board of directors may be filled by the remaining directors, and such board of directors, or a majority of them, when legally convened at the principal office of the company shall be competent to exercise all of the powers created by this act.

SEC. 6. *Officers.*—Immediately after their election the directors must organize by electing a president and a vice-president, who shall be one of their number, a secretary and a treasurer. They shall perform the duties enjoined upon them by law and the by-laws of the corporation. Such officers shall receive such compensation and give such bonds as the by-laws provide or the board of directors determine.

The board of directors shall have power, by two-thirds vote, to remove any officer for just cause. They shall also fill any vacancies that may occur from any cause.

SEC. 7. *Agents and Employes.*—The directors of such company may appoint agents, clerks, adjusters and other employes, allowing them such compensation and exacting from them such bonds as the directors may deem proper. The board of directors may appoint an executive committee to whom they may delegate the minor powers and authority vested in such board.

SEC. 8. *By-Laws.*—The members of such company or the board of directors, as may be provided in the articles

of incorporation, shall make such by-laws not inconsistent with this act as they deem necessary for the management of such company. All amendments of the by-laws shall be furnished to the members in such manner, form and time as the by-laws shall provide.

SEC. 9. *Suits at Law.*—If any member of such company for a space of thirty days after the written or printed notice of assessments has been mailed to him or her, postpaid, and directed to the postoffice as stated in the application for insurance, or as the same may have been thereafter changed to and recorded with the company, shall neglect to pay the sum assessed, such company may sue for and recover such amount and costs. Suits at law may be brought against such company by a member or members thereof for loss sustained if payment is withheld after such loss becomes due. The officer or officers of such company who shall wilfully neglect or refuse to perform the duties imposed upon them by the provisions of this act, shall be liable in their individual capacity to the persons sustaining such loss.

SEC. 10. *Territory.*—It shall be lawful for such companies to insure property only within this State until such time as such company shall have at least $5,000,000.00 at risk, and then the board of directors may determine in what State or States, other than the State of Idaho, it shall do business and apply for admittance to such other State or States. Any mutual co-operative insurance company organized under the law of any other State similar in form and in substance to this act may be admitted to do business in this State by the insurance department of the State upon making a showing that they are legally incorporated under the laws of their own State and have complied with the conditions of such law, have at least $5,000,000.00 of insurance in force, and the proper Insurance Commissioners of such State shall certify that he believes such company solvent, doing a good business, officered by men of integrity and standing, and he believes they are entitled to the confidence of the public, and upon such company procuring a request and application for membership of one hundred persons, citizens of this State having property that they desire to have insured, and paying a fee of $25.00 to the Insurance Commissioner of this State: *Provided, always,* That the Insurance Commissioner and

the laws of the State, where such company applying for admission is domiciled, shall grant to the mutual co-operative companies of this State, organized under this or similar laws, like rights and privileges under in substance the same rules and restrictions.

SEC. 11. *Policies.*—Such companies may issue policies on all kind of insurable real and personal property as herein provided against loss or damage by fire, lightning, tornado, cyclone and windstorm, and the fidelity of persons for any length of time as may be determined upon by such company in its by-laws. It shall not issue policies on any one risk or hazard to exceed $1,000.00 until there is $300,000.00 insurance in force when policies of $2,000.00 may be issued; or issue policies for more than $2,000.00 on any one risk until there is $1,000,000.00 insurance in force, when policies of $3,000.00 may be issued; or issue policies for more than $3,000.00 on any one risk until there is $2,000,000.00 insurance in force, when policies may be issued in the discretion of the company: *Provided,* No real property shall be insured for more than three-fourths its value.

Should the amount of insurance decrease below any of the figures above enumerated, the amount of the policy must be correspondingly reduced upon its renewal or within three months from time that the amount of insurance falls below the foregoing figures.

All policies shall be signed by the president and secretary, and each policy holder shall be furnished with the by-laws of the company. Should the amount of insurance of any company created under this act decrease below $100,000.00 the president of such company shall at once call a meeting of the members to consider the matter of disorganizing.

SEC. 12. *Assessments.*—All assessments shall be determined by proper classification and rating of the property insured, so that each member will be assessed according to the greater or less risk of the property insured to the hazard insured against.

An assessment may be made on the members due and payable within thirty days thereafter to enable the company to provide for losses and expenses necessary in the conducting of its business whenever the board of directors so determine. No assessment shall be made on a member for liabilities incurred prior to his or her membership.

Any member may be excluded from the benefits of insurance during all the time in which he or she may be in default of payment of an assessment, and the acceptance of such assessment after the same has become delinquent shall not in any manner make the company liable for any loss or damage that may have occurred during the period that such policy was suspended. Any member shall not be liable directly to any other member for such other member's loss or damage, but the liability of a member shall be solely and exclusively through the channel and process of an assessment and the amount of such assessment shall be only his pro rata share in proportion to the amount of insurance carried and rate on the same of all losses and expenses, making reasonable allowances and deductions for uncollectable and unpaid assessments.

SEC. 13. *Payment of Losses.*—Losses shall become due and payable in sixty days after their adjustment. Said adjustment shall be made within sixty days after losses occur.

SEC. 14. *Arbitrators.*—In the event of a dispute between the company and a member respecting whether there has been a loss, and the adjustment of the same, the matter shall, at the request of the company, or such member, be submitted to arbitrators, one of whom shall be selected by the company and one by the member, and such two so chosen shall select a third, all of whom shall be disinterested and shall take and subscribe an oath to that effect. A decision of a majority shall be final and binding on all parties.

SEC. 15. *Cancellation.*—Any member of such company may withdraw therefrom at any time by giving the company notice thereof in writing and paying his or her share of all claims or liabilities for losses or expenses then existing against the company, surrendering his or her policy and paying such cancellation fee as may be provided, not exceeding $1.00 as the board of directors may provide, in case the sum collected at the time the member takees out insurance is such as to justify for a reasonable short rate return premium, and the action of the board of directors in that respect shall be final; but no member, his or her heirs, executors, administrators or assigns can avoid liability to such company for their pro rata share of the unpaid claims against the company accruing while a member. Such

company may for good and sufficient reasons apparent to it, cancel any policy by giving the member notice to that effect and releasing him or her from further assessments and thereupon such member shall send in his or her policy to the company.

SEC. 16. *Bodies Corporate.*—Such companies shall be deemed bodies corporate with succession and shall possess the usual powers and privileges and be subject to the usual duties of corporations within the limitations of this act, and such corporation may purchase, own, hold, lease, encumber and convey such real estate severally or jointly with others as may be necessary for its present and prospective use as offices and place of business.

SEC. 17. *Annual Statement.*—It shall be the duty of the president and secretary to prepare annually, under oath, a full and complete statement of the condition of the company on the 31st day of December each year, and present the same at the annual meeting of the members.

SEC. 18. *Certificates.*—It shall be the duty of such company to file an annual statement with the proper insurance department of this State not later than the 31st day of January of each year, on blank furnished by said insurance department. Such department, if it thinks necessary, or one deputized by it, having no interest in an insurance company and unprejudiced, may make an examination into the affairs of such company and for such purposes shall have access to all the books and files of the company, and may examine the officers and other witnesses under oath. If such company is doing business in accordance with and under the provisions of this act, is solvent and properly managed, the insurance department shall furnish such company and its authorized agents a certificate stating that such company has complied with the provisions of this act and is authorized to do business for the ensuing year unless certificate is sooner revoked. If upon such examination it shall appear to the department that the condition of such company does not justify it continuing in business, it may apply to the district court of the county where the principal office of such company is located for an order requiring such company to show cause why it should not be closed. For examining the company's annual report and issuing certificate it shall be paid $..... and for each agent's certificate $.....

SEC. 19. *Penalties.*—It shall not be lawful for company or agent to do business without authority given them by the insurance department. Any person who shall act or attempt to act for or on behalf of any company in any capacity as agent, officer or otherwise, in the procuring or attempting to procure or solicit business without said company having first complied with the provisions of this act (except soliciting the original signatures to the articles of incorporation and applications for membership necessary to organize a company), shall on conviction thereof, be found guilty of a misdemeanor and be fined in any sum not exceeding $500.00 or committed to the county jail not exceeding six months, or both such fine and imprisonment.

SEC. 20. *Accepting this Act.*—Any mutual insurance company now doing business in this State under any of the provisions of the law thereof, with the written consent of a majority of the members, may accept the conditions of this act and thereupon be governed by it. Before such company shall be entitled to the benefits of this act, it shall file with the insurance department its articles of incorporation and by-laws and record a certified copy thereof as provided in Section 2 of this act.

SEC. 21. All acts and parts of acts in conflict with the provisions of this act are hereby repealed in so far as they effect any company or companies hereafter organized under or taking advantage of this act.

SEC. 22. Whereas an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 86.

AN ACT

TO FIX THE LEGAL STATUS OF LAND SURVEYORS, PROVIDING FOR A BOARD OF EXAMINERS AND FOR A CERTIFICATE OF AUTHORITY OR LICENSE TO PRACTICE, AS A LAND SURVEYOR AND FIXING A FEE FOR THE SAME AND PROVIDING FOR A RECORD THEREOF AND PROVIDING FURTHER THAT ALL SURVEYS MADE BY THE STATE, OR ANY COUNTY, TOWN, CITY OR VILLAGE IN THE STATE SHALL BE MADE BY A LICENSED SURVEYOR AND THAT NO SURVEY OF LAND OR PLAT SHALL BE LEGAL, UNLESS MADE BY A LICENSED SURVEYOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Every person desiring to become a licensed

land surveyor in this State must present to the State Engineer a certificate that he is a practical surveyor and a person of good moral character; also a certificate signed by the board of examining surveyors (provided for in Sec. 4 of this act) which certificates shall set forth that the person named therein is, in the opinion of the person signing the same, a fit and competent person to receive a license as land surveyor, together with his oath to support the Constitution of the State and of the United States and to faithfully discharge the duties of a land surveyor as defined in this act.

SEC. 2. Upon the receipt of such certificate and oath, and upon his filing a good and sufficient bond in the sum of $500 for the faithful performance of his duties as land surveyor, the State Engineer shall issue to such applicant a license, upon payment of a fee of $5.00, which fee shall be turned into the State treasury. The license shall set forth the fact that he is a surveyor and authorized to practice his profession within this State.

SEC. 3. All papers received by the State Engineer on application for licenses shall be kept on file in his office, and a proper index and record thereof shall be kept by him, and he shall keep a list of all licensed land surveyors.

SEC. 4. Within thirty days after the passage and approval of this act, and every two years thereafter, the Governor shall appoint, for the term of two years, two competent engineers who, together with the State Engineer shall constitute an examining board, who shall serve without compensation. The State Engineer shall ex officio be the chairman of such board, which shall hold meetings at such times and places designated by the State Engineer.

SEC. 5. Surveyor's licennses, issued in accordance with this act, shall remain in force until revoked for cause, as hereinafter provided.

SEC. 6. Every licensed surveyor is authorized to administer and certify oaths when it becomes necessary to take testimony to identify or establish old or lost corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the survey makes it desirable; to administer oaths for the faithful performance of duty to assistants. A record of such oaths shall be kept as part of the field notes of the survey.

SEC. 7. Every land surveyor is hereby authorized to

make surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys or trails; and it shall be the duty of each surveyor whenever making any such survey, except those relating to the retracing or subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities or counties, to set permanent and reliable monuments; and such monuments must be permanently marked.

SEC. 8. Upon failure of any licensed surveyor to comply with the requirements of this act and the furnishing of satisfactory proofs of such fact, the State Engineer must revoke his license and no license shall be issued to him within one year from such revocation.

SEC. 9. No survey of land or plat or subdivision shall be legal after June 1st, 1903, unless made by a licensed surveyor.

SEC. 10. All county surveyors in office at the time of the passage of this act, shall be considered as licensed surveyors until the termination of their respective terms of office.

SEC. 11. All persons residing in this State and who were engaged in the actual practice of land surveying prior to the passage of this act, shall be licensed, without examination, to continue such practice, upon filing with the State Engineer an affidavit, stating his residence and qualifications, accompanied by the fee and bond, provided for in Section 2.

SEC. 12. All surveys made under the authority of the State or any county, town, city or village within the State must be performed by a licensed surveyor.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 87.

AN ACT

TO PROVIDE FOR THE CONSTRUCTION OF A WAGON ROAD IN THE COUNTIES OF BOISE AND IDAHO AND CREATING A FUND FOR THE COMPLETION OF THE SAME AND PROVIDING THEREFOR, THE SUM OF $20,000 AND REQUIRING A DONATION FROM CITIZENS IN ORDER TO INSURE THE COMPLETION OF THE CONSTRUCTION OF SAID ROAD.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. There shall be constructed in the counties of Boise and Idaho in the State of Idaoho a State wagon

road, commencing at a point on the present main wagon road near Warner's ranch in Long Valley about six miles below Van Wyck in Boise county; thence following up what is known as Big creek in a northeasterly direction to the summit and the line between Boise county and Idaho county; thence passing into Idaho county and following down Trail creek in a northeasterly direction to its confluence with the south fork of the Salmon river thence crossing the south fork of the Salmon river and continuing in a northeasterly direction to what is known as Cabin creek to its summit; thence down Trout creek for a distance of about six miles in a northeasterly direction to Johnson's Fork creek; thence down Johnson's Fork creek to the most feasible point for leaving said stream for a road to the summit between the east fork of the south fork of the Salmon river and Monumental creek; thence by the most feasible route to the last above mentioned summit at a point about one and one-half miles west of where the Caswell trail crosses Monumental summit; thence down Monumental creek to the town of Roosevelt. Together with such necessary bridges for the streams crossed by said road as may be necessary for safe and convenient travel thereon.

SEC. 2. That on or before the first day of April, 1903, after the passage of this act, the Governor shall appoint a resident citizen of Idaho to perform the duty of superintendent of construction of said wagon road and for his services he shall receive the sum of $4.00 per day for each day actually engaged in the duties of his office. Before entering upon the duties of his office he shall take and subscribe to an oath and shall execute a bond in the penal sum of $10,000 payable to the State of Idaho, with sureties to be approved by the Governor, conditioned upon the faithful performance of his duties, which oath and bond shall be filed in the office of the Secretary of State.

SEC. 3. Said superintendent shall keep an accurate account of all moneys disbursed by him under the provisions of this act and the books of said account shall be open to inspection at all times by the State Board of Examiners.

SEC. 4. Said superintendent shall as soon as practicable after his appointment, personally examine the vicinity and route of said proposed road and shall definitely locate the lines thereof between said terminal points. Said su-

perintendent is hereby authorized to employ such suitable persons as may be necessary to assist him in locating and defining the lines of said road and may fix the compensation of such persons so employed to assist him which shall not exceed the sum of $1,000. The lines of said road shall be marked in such manner as said superintendent may decide but must be done in such manner as will effectually indicate the proposed lines thereof throughout their entire course.

SEC. 5. As soon as practicable after the lines of said road shall have been established the superintendent shall determine and settle upon the points on said road where culverts, corduroys, drains and turnouts shall be necessary, the distance upon each side of the road the trees may be cut down, the bridges that shall be built and all other requirements that may be proper and necessary.

SEC. 6. The engineer employed by the superintendent for the survey of the proposed road as herein provided for, shall make an estimate of the cost of the construction of said road and shall recommend a proper form of contract to be entered into between the said superintendent as representing the State of Idaho and the contractor and said contract shall provide that said road shall be constructed in a good and practicable manner.

SEC. 7. The superintendent after receiving an estimate from the engineer so employed shall let, as soon as practicable in the year 1903, to the lowest responsible bidder after publicly advertising in such newspapers, three in number published in the State of Idaho, as may be selected by the superintendent as most likely to give notice to contractors for thirty days, said superintendent having the right to reject any and all bids.

SEC. 8. For the purpose of furnishing money to be used in the construction of said road under the provisions of this act, the sum of $20,000 is hereby appropriated out of the general fund of the State.

SEC. 9. No part of said fund hereby appropriated shall be expended until the citizens of the State of Idaho and those interested in the construction of said road shall satisfactorily assure the Governor of the State of Idaho, that they have raised and have ready for use to assist in building said road, funds to the amount of $20,000 in addition to the amount provided for in this act. In case of failure of

said parties to assure the Governor satisfactorily within sixty days from the passage of this act, the amount hereby appropriated shall be turned over to the general fund as in Section 15 of this act, provided.

SEC. 10. Work on said road shall commence on the first day of May, A. D. 1903.

SEC. 11. The Governor may remove the superintendent for good and sufficient cause at any time he may desire.

SEC. 12. The money authorized to be expended under the provisions of this act shall be paid out of the general fund as herein provided for, provided that before the State Auditor shall draw his warrant, all claims for which warrants are to be drawn as against the State shall be certified to by the superintendent and shall be approved by the State Board of Examiners as all other claims are approved and audited by them, and, *Provided further,* That the appropriation hereby provided for and the funds to be raised by the citizens as in this act specified shall be drawn upon equally in the payment of bills and in case of there being more funds than are necessary to construct said road each bond shall be protected equally. The road herein provided for, may at all times be used in accordance with the general laws of this State by any resident citizen thereof free of charge or toll of any kind.

SEC. 13. After the completion of said road, the board of commissioners of the respective counties wherein the same is situated shall cause the portions thereof within their respective counties to be maintained and repaired as other public roads within their respective counties.

SEC. 14. The total charge against the State under the provisions of this act shall not exceed $20,000. No deficiency warrants shall be drawn for the same.

SEC. 15. After the completion and acceptance of the road hereinbefore provided for, and the payment of all moneys due on account of the construction of the same and of all warrants drawn from said road fund or in case of the failure of the citizens to raise said $20,000 as a complement to this appropriation as aforesaid, said fund shall cease to exist and all moneys remaining in said fund hereby appropriated shall by the State Treasurer be transferred to the general fund of the State and thereafter constitute a part of the general fund.

SEC. 16. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 17. Whereas, an emergency exists therefore this act shall take effect and be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 90.

AN ACT

TO ESTABLISH A UNIFORM STANDARD OF WEIGHTS AND MEASURES IN THIS STATE AND TO PROVIDE FOR A STATE SEALER AND INSPECTOR OF THE SAME.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the standard of weights and measures in this State shall agree exactly with the standard as recognized and furnished by the United State, and shall for the purpose of security and verification be kept in the custody of the Secretary of State.

SEC. 2. That the Secretary of State shall be ex officio State Sealer of Weights and Measures and shall have the care and custody of authorized public standards of weights and measures, he shall try and prove by such standards all weights and measures, scales and beams, which may belong to any county, and be sent or brought to him for that purpose by the county auditor, and shall seal such when found to be accurate, by stamping on them the letter "I," with a seal which he shall have and keep for that purpose.

SEC. 3. The county auditor of each county shall have the care and custody of the county standards. He shall procure at the expense of the county, when not already provided, full sets of weights and measures, scales and beams which he shall cause to be tried, proved and sealed by the State standards under the direction of the Secretary of State. The county commissioners of each county shall be the county sealers of weights and measures for their respective districts.

SEC. 4. The county auditor shall authorize and instruct the county commissioners of their county in regard to testing and verifying weights and measures within said county, and shall furnish said commissioners with a copy of this act, and each commissioner shall immediately post in two conspicuous places in his district notices of his authority

and readiness to act as inspector and sealer of weights and measures.

SEC. 5. That the said county sealers shall try and prove all weights and measures, scales and beams within the respective districts twice each year, and when the same are found or made to conform to the legal standard they shall seal and mark such weights and measures with a seal to be kept by them for that purpose.

SEC. 6. That State and county sealers of weights and measures in this State shall charge for testing and sealing any beam or scale the sum of fifty cents, and for each and every weight or measure ten cents, for sealing or marking liquid and dry measures if the same be a gallon or more ten cents; if less than a gallon five cents; they shall also be entitled to reasonable compensation for making such weights and measures conform to the standards established by this act.

SEC. 7. That the expense justly chargeable to any county in this State, incurred in and immediately connected with the procuring of county standards of weights and measures and noticing and advertising the same in furtherance of the provisions and intentions of this act shall on presentation of proper and sufficient vouchers be accepted and paid by said county.

SEC. 8. That any person in this State who shall, thirty days subsequent to published notices from the sealers of weights and measures as provided in section four of this act, be found using any false or fraudulent beams, scale weights or measures and who shall fail or neglect on written notice of the same, from any person so aggrieved or in any way cognizant thereof, to have said imperfect beams, weights, measures and scales duly inspected and by proper authority adjusted and sealed, or who shall use the same scales, weights or measures, subsequent to said notice without correction or adjustment, as provided in this act, shall be liable to an action in law at the penalty of twenty dollars for each and every offense. Said penalty to be paid into the county fund.

SEC. 9. That the Secretary of State and each and every county sealer of weights and measures in this State, shall, before entering upon the performance of any official duty described or implied in this act, take and subscribe the following oath or affirmation, "I.....do swear (or affirm)

that I will not seal or give any certificate of correction for any scale, weight or measure, that does not as nearly as possible agree with the standard in my keeping, as the standard of the State of Idaho, and of the United States, and I will to the best of my ability execute and discharge truthfully and faithfully the trusts imposed upon me, so help me God," which oath or affirmation shall be filed in the office of the Secretary of State.

SEC. 10. In the sale of fruits, vegetables and other articles sold by measure two thousand five hundred and sixty-four (2564) cubic inches shall constitute a bushel. The hundred weight shall consist of one hundred pounds, and twenty such weights shall constitute a ton. Whenever any of the following articles shall be contracted for or sold or delivered and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows, to wit: Wheat sixty (60) lbs; clover sixty (60) lbs; rye or Indian corn fifty-six (56) lbs; oats thirty-six (36) pounds; barley forty-eight (48) lbs; buckwheat forty-two (42) lbs; dried apples, prunes or peaches twenty-eight (28) pounds; potatoes sixty (60) lbs; green apples, pears or prunes forty-five (45) lbs; flax seed fifty-six (56) lbs.

SEC. 11. Who ever in buying any of the said articles mentioned in the preceding section shall take any greater number of pounds thereof to the bushel, or in selling any of said articles shall give any less number of pounds thereof to the bushel, than is allowed by said section with intent to gain advantage thereby except when expressly authorized so to do by special contract or agreement to that effect shall be liable to the party injured for double the value of property so wrongfully taken or not given and ten dollars in addition, to be recovered in any court of competent jurisdiction.

SEC. 12. Whereas an emergency exists therefor this act shall take effect and be in force from and after its passage an dapproval by the Governor.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 91.

AN ACT

PROVIDING FOR THE INSPECTION AND REGULATING THE MEASUREMENT OF LOGS TIMBER, LUMBER, STULLS, RAILROAD TIES, TELEGRAPH POLES, AND CEDAR POSTS,

DESIGNATING LUMBER DISTRICTS AND PROVIDING FOR THE APPOINTMENT OF LUMBER INSPECTOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Lumber districts are established and shall be designated by the following numbers respectively:

The Point Orelles river and its tributaries within the State of Idaho, number one.

Couer d'Alene lake and all of the streams tributary to and emptying into same and all of the streams tributary to said streams in the State of Idaho, number two.

The Palouse river and its tributaries within the State of Idaho, number three.

The Payette river and its tributaries in the State of Idaho, number four.

All the Clearwater river in Idaho, number five.

SEC. 2. The Governor shall appoint an inspector for each of said lumber districts, who shall be styled "Lumber Inspector of District No. ..... (designating the proper district); he shall at the time of his appointment be a citizen of the State and reside within the lumber district for which he is appointed; his term of office shall be two years and commence on the first Monday in April of the year of his appointment, but the incumbent shall hold until his successor is appointed and qualified. All vacancies in such office shall be filed by like appointment and if such vacancy occurs before the expiration of the term it shall be filled for the residue of the term only.

SEC. 3. Each lumber inspector shall, before entering upon the duties of his office ,take and subscribe an oath that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability, and execute to the county in which his office shall be kept, a bond, with three or more sureties to be approved by the treasurer and county judge, in the sum of five thousand ($5,000) dollars, conditioned that he will faithfully perform his duties as lumber inspector of district ..... (giving number) and deliver to his successor in office all bills, papers, journals, books and other effects, appertaining to his office. Such oath of office and bond shall be filed in the office of such county treasurer; and any person feeling himself aggrieved may commence an action in his own name on said bond in like manner as actions may be brought on other official bonds.

SEC. 4. The inspector of lumber district number one shall keep his office at Sandpoint, Idaho; of district number two at Harrison, Idaho; of district number three at Princeton, Idaho; of district number four at Emmett, Idaho; of district number five at Lewiston, Idaho.

SEC. 5. Each such inspector may divide his district into sub-districts as he may deem best and for each sub-district as well as for any specific purpose, may appoint one or more deputies, for whose conduct and fidelity in the discharge of his duties as such he shall be responsible upon his official bond; each of said lumber inspectors shall have power and authority to administer oaths to their several deputies or for any purpose relating to the duties of their office.

SEC. 6. Each lumber inspector shall, in person or by deputy, at the request of any owner of logs, timber or lumber, after a scalement or measurement thereof, make a bill stating therein the number of logs the number of feet, board measure, contained in such logs and lumber, and the number of feet, cubic running or board measure, contained in said timber, and at whose request the same were scaled or measured, and to whom scaled or measured a copy of which he shall enter upon the books of his office, to be provided by him and kept for that purpose, with the marks as they occurred upon the logs. A correct bill of the same shall be given to such owner, with a certificate thereto attached that it is a true and correct bill, which bill so certified shall be presumptive evidence of the facts therein contained and of the correctness of such scalement or measurement in all courts, except in favor of the inspector who made the same.

SEC. 7. Each lumber inspector and his deputies shall, in surveying or measuring logs, make such allowance for hollow, rotten or crooked logs as would make them equal to good, sound straight, merchantable logs; and all logs that are straight and sound are to be measured at their full size, inside the bark at the small end. Each lumber inspector shall require of each of his deputies, at the end of each month, a correct account of all the logs, lumber or timber, measured by him during the month next preceding, and he shall immediately enter such account upon the books of his office.

SEC. 8. Unless otherwise agreed upon the Scribner decimal rule shall be the standard rule for scaling or measur-

ing logs in the said districts; but in all cases the bill of the inspector shall state by what rule the logs were scaled or measured.

SEC. 9. Any owner of logs or timber in any of said lumber districts may use thereon any mark not before recorded and used by any other person in the same district; but before any such mark shall be used it shall be the duty of such owner in tending to use the same to cause a diagram and a full and complete written description of his mark, signed by him to be recorded in the office of the inspector, who shall record the same, provided the mark, diagram and description are different from any other mark, diagram and description recorded in his office.

It shall be the duty of such inspector to keep a book for such purpose of recording all assignments and transfers or marks so recorded, which book shall at all reasonable times be open to public inspection. No person shall use any mark on any logs or timber until he shall have caused a diagram and description thereof to be so recorded, and no person shall use any mark previously recorded and used by another in the same district unless—authorized so to do by an instrument in writing executed and acknowledged by the owner of such mark and recorded in the office or offices where said mark is recorded. No person shall mark any prize log. Any person offending against any of the provisions of this section shall forfeit ten ($10) dollars, one-half of which shall be paid to the person prosecuting therefor.

SEC. 10. All mortgages, liens, bills of sale or other written instruments in any way affecting the ownership of any marked logs in any lumber districts which shall specify the marks placed upon said logs and when they were cut shall be recorded in the office of the lumber inspector in which said marks were recorded; and no such conveyance, lien, mortgage or transfer, shall be voted, except as to the parties thereto, until the same is so recorded, or until the same shall be filed with some deputy lumber inspector, who shall immediately forward such instrument to the inspector of the proper district. Such filing and recording of all such instruments and papers shall have the same effect as the recording of deeds and mortgages in the office of the register of deeds.

SEC. 11. All prize logs shall be divided between the

owners in each sub-district in proportion to the number of logs owned by each person or company, respectively, in each sub-district; and prize logs are hereby defined to mean such logs as bear no mark or marks and all logs bearing marks not recorded or claimed within one year after any general drive. And any person with whose logs or timber in any waters of this State, such prize logs or timber shall become so intermixed that they can not be conveniently separated for the purpose of being floated to the market or place of manufacture may drive all such logs or timber with which his own may be intermixed toward such market place, when no special or different provisions is made by law for driving the same, and shall be entitled to reasonable compensation from the owner for driving such logs or timber, to be recovered after demand therefor on said owner or agent if known; and he shall have a prior lien thereon until thirty days after they arrive at their place of destination to enable him to attach the same; and if the owner thereof can not be ascertained the property shall be liable according to law and enough to be disposed of to defray the expenses thereof.

SEC. 12. Each lumber inspector shall be entitled to receive the following fees for services, viz; five cents per thousand feet for measuring or scaling and making out survey bills for all logs he is called upon to measure or scale; and twelve cents per thousand feet, running measure, for measuring square timber, stulls, railroad ties, telegraph and telephone poles, and cedar posts; and in all cases such fees shall be paid by the owner of the logs, timber, or lumber scaled or measured; for recording each mark or assignment thereof, fifty cents. For recording any mortgage, bill of sale or other written instument, the same fees allowed by law to registers of deeds for recording like instruments.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 93.—SUBSTITUTE FOR HOUSE BILL NO. 15.

AN ACT

TO AMEND SECTION 1 OF CHAPTER 3 OF AN ACT ENTITLED, "AN ACT TO SECURE LIENS FOR MECHANICS, LABORERS, MATERIAL MEN AND OTHER PERSONS," APPROVED ON THE SEVENTH DAY OF FEBRUARY, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of Chapter 3 of an act en-

titled "An act to secure liens for mechanics, laborers, material men and other persons" approved February 7th, 1899, be amended to read as follows:

Section 1. Any person who does any labor on a farm or land in tilling the same, or in cultivating, harvesting, threshing, or housing any crop or crops raised thereon has a lien on such crop or crops for such labor, and such lien shall be a preferred and prior lien thereon to any crop or chattel mortgage placed thereon, and any mortgage taking a chattel or crop mortgage on any crop or crops, upon which any person shall perform labor in cultivating, harvesting, threshing, or housing said crop, shall take such mortgage subject to, and such mortgage shall be a subsequent lien to that of the person or persons performing such labor as to a resaonable compensation for such labor: *Provided,* That the interest in any crop of any lessor or lessors of land where the premises are leased in consideration of a share in the crop raised thereon is not subject to such lien.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 96.

AN ACT

AMENDING SECTION THREE THOUSAND EIGHT HUNDRED AND FORTY-ONE (3841) OF THE REVISED STATUTES RELATING TO THE JURISDICTION OF PROBATE COURT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That section three thousand eight hundred and forty-one (3841) of the Revised Statutes of Idaho be and the same is hereby amended to read as follows:

Section 3841. The probate court has jurisdiction:

1. To open and receive proof of last wills and testaments and to admit them to proof;

2. To grant letters testamentary of administration and of guardianship, and to revoke the same;

3. To appoint appraisers of estates of deceased persons;

4. To compel executors, administrators and guardians to render accounts;

5. To order the sale of the property of estates, or belonging to minors;

6. To order the payment of debts due from estates;

7. To order and regulate all distributions of property or estates of deceased persons;

8. To compel the attendance of witnesses and the production of title deeds, papers and other property of an estate or of a minor;

9. To make such orders as may be necessary to the exercise of the powers conferred upon it.

In addition to their probate jurisdiction to hear and determine all civil causes, including actions to enforce mechanics or laborer's liens, mortgages and other liens upon real and personal property situated in their county, wherein the debt or damage claimed does not exceed the sum of five hundred dollars, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved the 27th day of February, 1903.

HOUSE BILL NO 97.—SUBSTITUTE FOR HOUSE BILL NO. 56.

AN ACT

REGULATING THE MANUFACTURE AND SALE OF DAIRY, FOOD AND OIL PRODUCTS; TO PREVENT DECEPTION OR FRAUD IN THE SALE OF THE SAME OR IMITATION THEREOF, PROVIDING FOR THE APPOINTMENT OF A DAIRY, FOOD AND OIL COMMISSIONER, AND DEFINING HIS DUTIES; CREATING A STATE BOARD OF DAIRY, FOOD AND OIL COMMISSIONERS AND DEFINING THEIR DUTIES; PROVIDING PENALTIES FOR VIOLATIONS OF THIS LAW; MAKING AN APPROPRIATION

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for any person to sell or offer for sale, or furnish or deliver to any creamery, cheese factory, corporation, person or persons whatsoever, as pure, wholesome, and unskinned, any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

SEC. 2. In all prosecutions or other proceedings under this or any other law of the State, relating to the sale or furnishing of milk, if it shall be proven that the milk sold or offered for sale, or furnished or delivered, or had in possession with intent to sell or offer for sale, or to furnish or deliver, as aforesaid, as pure, wholesome, or unskimmed milk, contain less than three per centum of pure butter fat, or less than eight per centum of milk solids other than fat, when subjected to chemical analysis or other satisfactory tests, or that it, or any part of it, was drawn from cows known by the person complained of to have been within

fifteen days before or four days after partrition, or to have any disease or ulcers or other running sores, then and in either case the said milk shall be held and judged to be unmerchantable, adulterated, impure, or unwholesome, as the case may be, and if it shall appear that the cows kept for the production of milk or cream, for market or sale or erchange, or for manufacturing their milk into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distellery waste or other substances in a state of putrefaction or rottenness, or upon any substance of an unhealthful nature, the milk or cream from same is hereby declared impure and unwholesome. Any milk or cream that has been exposed to or contaminated by emanation, discharges, or exhalation from persons or animals, or to which has been added any borax, boracic acid, salicylic acid, or any other poisonous substance which prevents or tends to prevent the normal bacterial action of milk, is hereby declared to be impure and unwholesome.

SEC. 3. Cream cheese under this act shall contain not less than thirty per centum of pure butter fat and have been manufactured from pure and wholesome milk, from which no portion of the butter fat shall have been removed by skimming or by other process, and in the manufacture of which neither butter or any substance for butter, or any animal or vegetable fats or oils, have been used, or any fat which has been extracted from milk in any form and returned for the purpose of filling said cheese. All cheese containing less than thirty per centum of pure butter fat shall be marked "Skimmed Cheese" in full face capital letters not less than one inch high, with such ink as is not easily removed by moisture. The manufacture or sale of any cheese containing less than fifteen per centum of pure butter fat, or so-called "filled cheese," is hereby prohibited: *Provided,* That nothing in this section shall be construed to Edam, Brickstein, Pineapple, Limburger or Swiss cheese, or hand made cheese or any other fancy cheese: *Provided, further,* That cheese not made in this State, but which shall be sold of offered for sale in this State, shall be so stamped as to indicate its true character; and, *Provided, further,* That no cheese shall be stamped "full cream" which does not in every particular comply with the requirements of "full cream" cheese, as hereinbefore set forth, except as to place of manufacture.

SEC. 4. The dairy and oil commissioner, shall furnish blanks to all proprietors or managers of creameries, cheese factories, or milk dairies that ship milk and all vendors and peddlers of milk and dairy goods handled, and all owners or managers of such creameries and cheese factories and all milk daries, milk vendors, or milk peddlers shall fill out the blanks giving a full and accurate report of the business done during the year, and send it to the dairy food and oil commissioner before the first day of November of each year; every person or corporation who shall engage in the business of purchasing or dealing in milk shall attach in a permanent manner to each can furnished by him or the producer a tag containing in plain figures a correct statement of capacity thereof.

Any neglect or failure or false statement on the part of the proprietor or manager of such creamery, cheese factory, dairy, or milk vendor or milk peddler, shall be considered a misdemeanor, and upon conviction thereof shall be punished as provided in Section 30: *Provided,* That any information thus furnished shall be published only in such form as to show totals and averages, and not the details of the business of any individual or concern.

SEC. 5. No person, by himself, his agents, or his servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell or serve to patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boardig house or public or private hospital, asylum, school or eleemosyuary or penal institution, any article, product, or compound made wholly or partly out of any fat, or oil, or oleaginous substance or compound thereof, not produced directly and wholly at the time of manufacture from unadulterated milk or cream from the same, with or without harmless coloring matter, which shall be in imitation of yellow butter produced from pure, unadulterated milk or cream from the same: *Provided,* That nothing in this act shall be construed to prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient which causes it to resemble butter, or the use of the same by patrons, guests, boarders, or inmates of any hotel, eating house, restaurant, public conveyance, or boarding house, when signs

are displayed in a conspicuous place that may be easily read from any part of the room.

SEC. 6. It shall be unlawful for any person to sell or offer for sale or exchange, or have in his possession for sale, any cheese containing any substance except sale, rennet, and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or pure half-skimmed milk.

SEC. 7. The State Horticultural Inspector shall also be the Dairy, Pure Food and Oil Commissioner.

SEC. 8. It shall be the duty of the Dairy, Pure Food and Oil Commissioner to enforce all laws that now exist or that may be hereafter enacted in this State regarding the protection, manufacture, or sale of dairy produce, and inspect any article of milk, butter, cheese, or imitations thereof, made or offered for sale within the State, which he may suspect or have reason to believe to be impure, unhealthful, adulterated, or counterfeit; and to prosecute or cause to be prosecuted any person or persons, firm or firms, corporation or corporations engaged in the manufacture or sale of any adulterated or counterfeit dairy products contrary to law.

SEC. 9. Any person who shall violate any of the provisions of this act, or who shall obstruct the Dairy, Pure Food and Oil Commissioner in the performance of his duties under this act by refusing him entrance to any place enumerated in the preceding section, or by refusing to deliver to him any dairy products or imitations thereof upon demand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in Section 30 of this act.

SEC. 10. The Dairy, Pure Food and Oil Commissioner and Horticultural Inspector shall receive a salary of eighteen hundred dollars ($1,800.) per annum, one-half of which shall be paid from the funds provided under this act, and the Secretary of the Board of Dairy, Pure Food and Oil Commissioner shall be the Secretary of the State Board of Horticultural Inspection and his salary shall not exceed seven hundred dollars ($700.) per annum, one-half of which shall be paid from the funds provided under this act and one-half from the funds provided for horticultural inspection.

SEC. 11. It shall be the duty of the Attorney General

or the prosecuting attorney in any county of the State, when called upon by the Dairy Commissioner, to render any legal assistance in their power to execute the laws and to prosecute cases arising under the provisions of this act.

SEC. 12. The Secretary of State, the professor of agriculture and superintendent of institutes and one other appointed by the Governor of the State shall hereby constitute a State Board of Dairy, Pure Food and Oil Commissioners, who, in conjunction with the State Board of Horticultural Inspection, shall carry out the provisions of this act.

SEC. 13. The State Board of Dairy, Pure Food and Oil Commissioners, shall receive no compensation for their services as such board, but shall be allowed necessary traveling expenses and the Commissioner and Secretary shall be allowed traveling, printing and other expenses not exceeding $1,200. annually. All accounts for expenditures incurred or made pursuant to the provisions of this act shall be approved and certified by the said State Board of Dairy, Pure Food and Oil Commissioners before presentation to the State Auditor.

SEC. 14. The State Board of Dairy, Pure Food and Oil Commissioners shall biennally on December first, report to the Governor of this State a full account of their official actions under this act, also the operations and results of this or any other laws pertaining to the dairy industry of the State; a full account of all expenses and disbursements of the board; as full and complete statistics as it is in their power to collect pertaining to the manufacture, imports and exports, of the dairy products within the State for the biennial term, and shall make suggestions as to the need of further legislation on this subject.

SEC. 15. All expenses incurred under the provisions of this act shall be audited as required by this law upon bills being presented, properly certified by the Board of Dairy, Pure Food and Oil Commissioners, and the State Auditor shall, from time to time, draw warrants upon the State Treasurer for the amounts thus audited.

SEC. 16. To carry out the provisions of this act, there is hereby appropriated out of the general fund of the State for the term of two years beginning April 1st, 1903, four thousand nine hundred ($4,900) dollars.

SEC. 17. One-half of all fines collected under the provisions of this act shall be paid to the State Treasurer and placed to the credit of the general fund and the remainder to be paid forthwith, into the treasury of the county in which the conviction is obtained.

SEC. 18. All clerks, bookkeepers, express agents, railroad officials, employees, or employees of common carriers shall render to the Dairy, Food and Oil Commissioner, and his deputies all the assistance in their power in tracing, finding or discovering the presence of any article named in this act. Any refusal or neglect on the part of such clerks, bookkeepers, express agents, railroad officials, employee or employees of common carriers to render such friendly aid, shall be a misdemeanor, punishable as provided in Section 30. of this act.

SEC. 19. No person, persons or corporations shall sell or offer for sale any cream taken from impure or diseased milk, or any cream that contains less than eighteen per centum of pure butter fat.

SEC. 20. No person, persons or corporations shall sell or expose for sale in any store or place of business or in any wagon or other vehicle used in the transportation or sale of milk from which cream has been removed or milk commonly called "skimmed milk" without first marking the can or package containing said milk with the words "skimmed Milk" in large plain black letters, each letter being at least one inch high and one-half inch wide, said words to be on the side not below the middle of said can or package, where they can be easily seen. Any person, persons or corporations violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in Section 30. of this act.

SEC. 21. That all moneys received from the sale of any and all goods confiscated under this act shall be received by the said commissioner and deposited the first of every month with the State Treasurer, to be placed in the general fund.

SEC. 22. Possession by any person or firm of an article or substance the sale of which is prohibited by this act shall be considered prima facie evidence that the same is kept by such person or firms in violation of the provisions of this act, and the commissioners shall be authorized to

seize upon and take possession of such articles or substances, and upon the order of any court which has jurisdiction thereof, he shall sell the same for any purpose other than to be used for food, the proceeds to be paid to the State Treasurer and placed to the credit of the general fund.

SEC. 23. No person, firm, or corporation shall manufacture, sell or offer for sale or have in his possession with the intent to sell butter known as "process butter" unless the package in which the butter is sold has marked on the side of it the words "Renovated Butter" in capital letters one inch high and one-half inch wide with ink which is not easily removed: *Provided,* That it shall be unlawful for any retailer to sell said butter unless a card is displayed on the package from which he is selling butter with the following words printed thereon so that it may be easily read by the purchaser "Renovated Butter" or if it is sold in packages on which a wrapper is used the words "Renovated Butter" shall be plainly printed on each and every wrapper: *Provided, further,* That all process butter shipped from other States shall be subject to the same regulations as provided in this section. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished for each and every offense as provided in Section 30, of this act.

SEC. 24. No person, persons or corporations, shall, within the State, manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

SEC. 25. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

SEC. 26. Any article shall be deemed to be adulterated within the meaning of this act. In the case of food:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously effect its quality, strength or purity. (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it. (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

(4) If it is an imitation of, or sold under the name of, another article. (5) If it consists wholly or in part, of a diseased, decomposed, putrified, infected, tainted, or rotten

animal, vegetable or fruit substance or article, whether manufactured or not; or in case of milk, if it is the product of a diseased animal. (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. (7) If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided,* That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale is distinctly labled as mixtures or compounds, with the name and per cent of each ingredient therein and are not injurious to health. (8) All canned fruits, vegetables, and meats, put up in tin cans, shall be stamped in cover, the year when put up.

SEC. 27. It shall be unlawful for any person, corporation or association to sell or offer to sell any coaloil, naptha, gasoline, benzine or other mineral oils or fluids the product of petroleum that will ignite at a temperature less than one hundred and fifty degrees Fahrenheit. It shall be the duty of the Dairy, Pure Food and Oil Commissioner to provide himself with a J. Taghabue's pyrometer or some other instrument equally accurate and inspect the oils offered for sale and should he find after applying the fire test, any of the oils mentioned to be of a lower test than one hundred and fifty degrees he shall condemn such oil for illuminating purposes.

SEC. 28. Any person, persons or corporations manufacturing, exposing or offering for sale, or delivering to a purchaser, any article of food or oils included in the provisions of this act, shall furnish to any person interested or demanding the same, (who shall apply to him for the purpose, and shall tender him the value of the same), a sample sufficient for the analysis or testing of any such adticle of foods or oils which is in his or their possession.

SEC. 29. In all prosecutions arising under this act the certificate of the chemist making the analysis or testing, when duly sworn to by such analysis, shall be prima facie evidence of the fact or facts therein certified.

SEC. 30. Whoever refuses to comply, upon demand with any of the requirements of Section 28, or whoever violates any of the provisions of this act, shall be guilty of a mis-

demeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars nor less than twenty-five dollars, or imprisonment not exceeding ninetv nor less than thirty days, or both; any person found guilty of manufacturing, offering for sale, or selling any adulterated articles of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food of which said person may have been found guilty of manufacturing, selling, or offering for sale: *Provided,* That all penalties and costs for the violation of the provisions of this act shall be paid to the State Dairy, Food, and Oil Commissioner, or his agent, and by him paid into the State Treasury.

SEC. 31. That no person shall, by himself, his servant or agent, or as servant or agent of any other person, persons or corporations, manufacture for sale, or knowingly sell or offer to sell any candy or other confectionery adulterated by the ad-mixture of terra alba, barytes, talc, or any other mineral substances, or by poisonous colors or flavors or other ingredients injurious or detrimental to the health of consumers.

SEC. 32. Any person violating any of the provisions of Section 31 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $100. or sentenced to the county jail for a period of not exceeding six months; and in additions to such fine or punishment, the candy adulterated shall be forfeited and destroyed by the court having jurisdiction of all cases arising under this act.

SEC. 33. It shall be the duty of the Dairy, Pure Food and Oil Commissioner to enforce the provisions of this act and also an act to prevent the adulteration of vinegar, approved March 9th, 1899, and all other acts intended to prevent the adulteraation of food and foodstuffs.

SEC. 34. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 35. Whereas an emergency exists, therefor this act shall take effect from and after its passage.

Approved the 9th day of March, 1903.

HOUSE BILL NO. 100.

AN ACT

TO AMEND SECTION 1645 OF THE REVISED STATUTES OF THE STATE OF IDAHO, AS AMENDED BY ACT APPROVED FEBRUARY 16TH, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1645 of the Revised Statutes of the State of Idaho is hereby amended to read as follows, to wit:

1. For each exhibition for pay of a caravan or menagerie, or any collection of animals, circus, equestrian or other acrobatic performance, ten dollars; and for each show for pay of any figures, jugglers, necromancers, magicians, wire or rope dancing, or sleight of hand exhibition, five dollars each day;

2. From each pawnbroker fifty dollars per quarter;

3. From each proprietor or keeper of a billiard, pool, or bagatelle table or any other kind of table on which games are played with ball and cue for each table $5.00 per quarter and for a bowling alley $5.00 per quarter for each alley but no license must be granted for a term less than three months.

SEC. 2. Subdivision 1 of Section 1645 of the Revised Statutes of the State of Idaho, as amended by the act approved February 16, 1899, is hereby expressly repealed, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved the 12th day of March, 1903.

HOUSE BILL NO. 101.

AN ACT

TO REPEAL SECTION ONE THOUSAND SIX HUNDRED AND FORTY-FOUR OF THE REVISED STATUTES OF THE STATE OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1644 of the Revised Statutes of the State of Idaho be and the same is hereby repealed.

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved the 16th day of March, 1903.

HOUSE BILL NO. 103.

AN ACT

TO PREVENT HUNTING UPON CULTIVATED OR ENCLOSED GROUND.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Any person who shall hunt with dog or gun upon the cultivated or enclosed lands of another, without first obtaining permission from the owner or occupant thereof, or his agent, shall be responsible to the owner of such cultivated or enclosed lands, for all damages, and any person or persons violating the provisions of this act resulting in injuring or killing any live stock on said cultivated or enclosed lands shall be deemed guilty of a misdemeanor.

Approved on the 3rd day of March, 1903.

HOUSE BILL NO. 104.

AN ACT

TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON APPROVED FEBRUARY 9TH, 1881," AND TO AMEND AN ACT ENTITLED, "AN ACT SUPPLEMENTARY TO AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, 'APPROVED FEBRUARY 9TH, 1881" APPROVED FEBRUARY 10TH, 1881, AND TO AMEND AN ACT ENTITLED: "AN ACT TO AMEND AN ACT, ENTITLED: 'AN ACT TO AMEND SECTION 7, (CONCERNING STREETS AND SIDEWALKS, SEWERS, AND SPECIAL TAXES THEREFOR), OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 9TH, 1881, BY ADDING THERETO AUTHORITY TO GRADE, CURB, GUTTER, PAVE, MACADAMIZE, OR PLANK STREETS AND ALLEYS AND AUTHORITY TO LEVY AND COLLECT SPECIAL ASSESSMENTS, UPON THE PROPERTY TO BE BENEFITED BY SUCH IMPROVEMENTS, AND ANY IMPROVEMENTS PROVIDED BY SAID SECTION 7, AND PROVIDING ANY IMPROVEMENTS PROVIDED FOR UNDER SECTION 7, PROVIDING FOR THE COLLECTION THEREOF, UPON THE PROPERTY BENEFITED," APPROVED MARCH 6TH, 1899, AND TO AMEND AN ACT ENTITLED: "AN ACT TO AMEND SECTION 20, (CONCERNING BORROWING MONEY AND LIMITATION OF INDEBTEDNESS), OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, 'APPROVED FEBRUARY 9TH, 1881, AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED: "AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON,' APPROVED FEBRUARY 10, 1881, AS AMENDED ALSO BY AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED: "AN ACT AUTHORIZ-

ING THE CITY OF LEWISTON TO INCUR CERTAIN INDEBTEDNESS, PROVIDING THE PURPOSE FOR WHICH IT SHALL BE INCURRED, AND FIXING THE LIMIT THEREOF, PROVIDING FOR THE ISSUANCE OF BONDS FOR THE PAYMENT OF SUCH OR ANY EXISTING INDEBTEDNESS, AMENDING AN ACT, ENTITLED: 'AN ACT TO AMEND THE CHARTER OF LEWISTON, APPROVED FEBRUARY 9, 1881," APPROVED FEBRUARY 9, 1899, BY INCREASING THE CAPACITY OF THE SAID CITY, TO BORROW MONEY, DEFINING THE PURPOSE FOR WHICH THE SAME MAY BE BORROWED, AND AUTHORIZING SAID CITY TO ISSUE THEREFOR, ITS NEGOTIABLE BONDS, WITH NEGOTIABLE INTEREST COUPONS ATTACHED AND PROVIDING FOR THE LEVY OF TAXES TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS," APPROVED MARCH 6, 1899, AND TO AMEND AN ACT, ENTITLED: "AN ACT TO AMEND SECTION 4, (CONCERNING THE FIRE DEPARTMENT, TAXES FOR AND FIRE HYDRANTS) OF AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, ENTITLED: 'AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON," APPROVED FEBRUARY 9, 1881, AS AMENDED BY AN ACT OF THE LEGISLATURE OF THE TERRITORY OF IDAHO, ENTITLED: "AN ACT TO AMEND AN ACT, ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON,' APPROVED FEBRUARY 10, 1881, BY EXTENDING THE POWER OF SAID CITY TO REGULATE THE ERECTION OF WOODEN BUILDINGS, WITHIN THE FIRE LIMITS, ENTRANCES AND EXITS AND FIRE ESCAPES," APPROVED MARCH 6, 1899. AND TO AMEND AN ACT, ENTITLED, "AN ACT TO AMEND SECTION 3, OF "AN ACT TO AMEND THE CHARTER OF THE CITY OR LEWISTON, APPROVED FEBRUARY 9, 1881, BY ADDING TO SAID SECTION 3, A PROVISION ENABLING THE CITY OF LEWISTON, IDAHO, TO LEVY A TAX FOR THE PURPOSE OF READING ROOM AND LIBRARY, IN ADDITION, IF NECESSARY TO THE ONE AND ONE-HALF PER CENT. PER ANNUM, ANNUALLY ON THE PROPERTY ASSESSED,' APPROVED MARCH 13, 1899. AND AN ACT TO AMEND AN ACT, ENTITLED: "AN ACT PROVIDING FOR THE LIGHTING OF THE CITY OF LEWISTON, AND FOR THE LEVYING AND COLLECTING OF A TAX THEREFOR; AMENDING SECTIONS 6, 81, 82 AND 83, OF AN ACT TO AMEND THE CHARTER OF THE CITY OF LEWISTON, APPROVED FEBRUARY 9, 1881," APPROVED FEBRUARY 14, 1899, AND TO AMEND AN ACT ENTITLED: "AN ACT AUTHORIZING THE CITY OF LEWISTON, TO INCUR CERTAIN INDEBTEDNESS, PROVIDING THE PURPOSE FOR WHICH IT SHALL BE INCURRED, AND FIXING THE LIMIT THEREOF; PROVIDING FOR THE ISSUANCE OF BONDS, FOR THE PAYMENT OF SUCH OR ANY EXISTING INDEBTEDNESS; AMENDING AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF LEWISTON, APPROVED FEB. 9, 1881," AND TO AMEND AN ACT ENTITLED: "AN ACT TO AMEND THE CHARTER OF LEWISTON, SUPPLEMENTARY TO AN ACT, ENTITLED: "AN ACT TO AMEND THE CHARTER OF LEWISTON, APPROVED FEBRUARY 9, 1881, APPROVED MARCH 16, 1901, AND THEREBY EXTENDING THE POWERS AND LIMITS OF SAID CITY, AND DESCRIBING AND DEFINING THE POWER AND DUTIES OF CERTAIN OFFICERS OF SAID CITY, AND TO PROVIDE FOR THE COLLECTION OF SPECIAL ASSESS-

MENTS, AND TO PROVIDE FOR THE COLLECTION OF GENERAL CITY TAXES, BY THE COUNTY ASSESSOR AND TAX COLLECTOR OF NEZ PERCE COUNTY, IDAHO, AND ESTABLISHING A NEW AND COMPLETE CHARTER FOR SAID CITY.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That "An act to amend the charter of the city of Lewiston, approved February 9th, 1881," and to amend an act, entitled: "An act supplementary to an act entitled: 'An act to amend the charter of the city of Lewiston,' approved February 9th, 1881," approved February 10th, 1881, and to amend an act, entitled: "An act to amend an act, entitled: "An act to amend Section 7, (concerning streets and sidewalks, sewers, and special taxes therefor), of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the charter of the city of Lewiston," approved February 9th, 1881, by adding thereto authority to grade, curb, gutter, pave, macadamize, or plank streets and alleys, and authority to levy and collect special assessments, upon the property to be benefited by such improvements, and any improvements by said Section 7, and providing any improvements provided for under Section 7, providing for the collection thereof, upon the property benefited," approved March 6th, 1899, and to amend an act entitled: "An act to amend Section 20 (concerning borrowing money and limitation of indebtedness) of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the charter of the city of Lewiston, approved February 9th, 1881, as amended by an act of the Legislature of the State of Idaho, entitled: 'An act to amend an act entitled: An act to amend the charter of the city of Lewiston," approved February 10, 1881, as amended also by an act of the Legislature of the State of Idaho, entitled "An act authorizing the city of Lewiston to incur certain indebtedness, providing the purpose for which it shall be incurred, and fixing the limit thereof, providing for the issuance of bonds for the payment of such or any existing indebtedness, amending an act, entitled: 'An act to amend the charter of Lewiston, approved February 9, 1881" approved February 9, 1899, by increasing the capacity of the said city to borrow money, defining the purpose for which the same may be borrowed, and authorizing the said city to issue therefor,

its negotiable bonds, with negotiable interest coupons attached, and providing for the levy of taxes to pay the principal and interest on such bonds," approved March 6, 1899, and to amend an act, entitled: "An act to amend Section 4, (concerning fire department, taxes for and fire hydrants) of an act of the Legislative Assembly of the Territory of Idaho, entitled: 'An act to amend the charter of the city of Lewiston," approved February 9, 1881, as amended by an act of the Legislature of the Territory of Idaho, entitled: "An act to amend an act, entitled an act to amend the charter of the city of Lewiston, approved February 10, 1881, by extending the power of said city to regulate the erection of wooden buildings within the fire limits, entrances, and exits, and fire escapes," approved March 6, 1899. And to amend an act entitled: "An act to amend Section 3, of "An act to amend the charter of the City of Lewiston,' approved February 9, 1881, by adding to said Section 3, a provision enabling the city of Lewiston, Idaho, to levy a tax for the purpose of reading room and library, in addition, if necessary to the one and one-half per cent. per annum, annually on the property assessed,' approved March 13, 1899. And an act to amend an act, entitled: "An act providing for the lighting of the city of Lewiston, and for the levying and collecting of a tax therefor; amending Sections 6, 81, 82, and 83, of an act to amend the charter of the city of Lewiston, approved February 9, 1881," approved February 14, 1899, and to amend an act entitled: "An act authorizing the city of Lewiston to incur certain indebtedness; providing for the purposes for which it shall be incurred, and fixing the limit thereof; providing for the issuance of bonds for the payment of such or any existing indebtedness; amending an act entitled: 'An act to amend the charter of Lewiston,' approved February 9, 1881," and to amend an act entitled, "An act to amend the charter of Lewiston, supplementary to an act entitled: An act to amend the charter of Lewiston,' approved February 9, 1881, approved March 16, 1901, be and the same are hereby amended to read as follows:

The inhabitants of that part of Nez Perce county, Idaho, within the limits prescribed by the next section are hereby constituted and declared to be a municipal corporation, by the name and style of the city of Lewiston, and by such name shall have perpetual succession, sue and

be sued, plead and be impleaded, in all courts of justice and in all actions, suits or proceedings whatever, contract and be contracted with, may purchase, hold and receive property, both real and personal within said city, for public buildings public works, and city improvements, may and shall have the right of possession and control, of all public parks and all tracts of land, lying within said limits, which have been or may be hereafter dedicated, or in what manner soever, obtained for public purposes; and may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city, to be used for parks, burial purposes, work houses, houses of correction, and hospitals for the reception and care of persons inflicted with contagious diseases, and for the purpose of maintaing water works, electric light works cemeteries and for such other purposes as may be deemed necessary for the carrying on of said government, and shall use a common seal, and may alter and break the same or make a new one at its pleasure; all instruments conveying either real or personal property, belonging to said city shall be signed by the mayor, and attested by the city clerk, and the seal of said city placed thereon; and shall be acknowledged and recorded as other instruments conveying property required by the general laws of the State, and no conveyances not thus executed, acknowledged and recorded shall have any validity whatever against said city.

SEC. 2. The boundaries of the city of Lewiston are as follows: Commencing at the meandering corner of the right bank of Snake river, fifty-three chains west of the corners of sections one, six, seven and twelve, on the township line between ranges five and six west, township thirty-five north. Thence due west to the line between the State of Idaho, and the State of Washington, or the mid-channel of Snake river; thence north along said State line to a point due west of the quarter section corner of the range line between sections twenty-five and thirty, township thirty-six, north between ranges five and six west; thence east through the center of sections twenty-five, township thirty-six, north, of range six, west of Boise Meridian, and through the center of section thirty and east through the center of section twenty-nine, to a point twenty chains west of the quarter section corner, between sections twenty-eight and twenty-

nine, thence due south four thousand two hundred and twenty-three feet to a point; thence south 76 degrees 35 minutes east, twelve hundred and sixty-three feet to a point; thence south 47 degrees 30 minutes east two hundred and ten feet to section line between sections thirty-two and thirty-three, township thirty-six north of range five, West Boise Meridian, at a point five hundred and forty-one feet north of the quarter section corner, between said section thirty-two and thirty-three; thence due south on section line to the corner of sections four, five, thirty-two and thirty-three, same township and range; thence south between sections four, five, eight and nine, township thirty-five, north range five, west Boise Meridian. Thence west on section lines between sections five and eight, six and seven, township thirty-five north range five, West Boise Meridian, and sections one and twelve, township thirty-five north of range six, west Boise Meridian to the place of beginning.

SEC. 3. The power and authority given to the municipal corporation of the city of Lewiston, by this act, is vested in a mayor and common council, and in the departments authorized by this act, together with such other officers as are in this act mentioned or may be created under its authority and by their successors in office, to be exercised in the manner hereinafter prescribed.

SED. 4. For the purpose of municipal representation the city of Lewiston is hereby divided into three wards, the boundaries of which shall continue the same as heretofore fixed by ordinance passed by the council, under the provisions of the present charter, or until they shall be changed by ordinance, passed under authority granted in this act. The council, by ordinance may create additional wards, or change the boundaries of those established, and may change the number thereof.

SEC. 5. Each ward herein established and any additional ward that may be hereafter established is entitiled to elect two members of the common council.

SEC. 6. The members of the common council shall be elected for two years and shall hold their offices until their successors are elected and qualified: *Provided, however,* That the members of the council elected, under the present charter of said city shall continue to hold their said offices, until the term of office for which they were elected

shall have expired, and their successors are elected and qualified.

SEC. 7. The mayor shall be elected for two years and shall hold his office until his successor is elected and qualified: *Provided,* That the provisions of this section shall not become operative until after the next general city election, held in said city.

SEC. 8. There shall be elected, as hereinafter provided, a treasurer, who shall be an officer of this municipal corporation. The officer mentioned in this section shall be elected by the qualified voters of the city of Lewiston, for two years and shall hold his office until his successor is elected and qualified.

SEC. 9. No person is eligible for office, in the municipal corporation, who, at the time of his election or appointment, is not a resident and voter of the city, and entitled to the privileges of a voter, according to the constitution and laws of the State of Idaho, and all amendments that may be made thereto, and who has not resided in the city of Lewiston for one year, next preceding his election or appointment.

SEC. 10. In addition to the qualifications prescribed in Section 9 a person to be eligible to the office of councilman, must be a resident of the ward from which he is elected, for a period of thirty days prior to his election .

SEC. 11. The mayor shall nominate, by and with the advice and consent of the common council, shall appoint a chief of police, and chief of fire department, who shall hold their office for a term of two years, or until their successors are elected and qualified, provided their office may be declared vacant in the same manner hereinafter provided, with reference to other city officers.

SEC. 12. The common council shall, annually, at the first regular meeting thereof, after the qualification of the members therof elected at such annual city election, elect by ballot, a city clerk, city attorney, city engineer, city assessor, city health officer, street commissioner, police judge, superintendent of sewer, superintendent of water works, and collector of water rates, for the ensuing year, and until their successors are elected and qualified; the said common council shall have the power to create such other offices as may be, necessary to efficiently conduct the affairs of the city, and to elect officers therefor,

in the same manner as provided in this section; any qualified elector of said city, not a member of the council, may be elected to one or more of said offices.

SEC. 13. All officers appointed by the mayor and elected by the council, may be removed at any time by a vote of two-thirds of the whole council, and the mayor may suspend any officer until the council disposes of and acts upon any charges preferred against said officer.

SEC. 14. There shall be a general city election held in the city of Lewiston, on the second Monday in June of each year, and all persons elected shall hold office for the term of two years, or until their successor is elected and qualified.

SEC. 15. The council shall designate one or more places in each ward for holding the election therein, and the general election of the State of Idaho, and all amendments that may be made thereto, regulating and governing county elections, shall apply to and govern city elections, as far as the same is not inconsistent with this act, and the ordinances of the city passed in relation to said elections: *Provided,* That at all special elections there shall be appointted by the city council three judges and two clerks of election for each polling place; that all officers of said elections shall be appointed by the said council.

SEC. 16. The city clerk, under the direction of the council shall give twenty days' notice by publication in some newspaper, published in the city of Lewiston, of each general election, of the officers to be elected thereat, and the place or places in each ward designated for the holding of elections therein, and the judges and clerks appointed to conduct the same, and all matters to be voted upon.

SEC. 17. No person is qualified to vote at an election under this act, who has not been a resident of the city for thirty days, of the ward or precinct, in which he offers to vote for ten days next preceding such election, and who does not, possess the qualifications of a legal voter in the state.

SEC. 18. The mayor and treasurer shall be elected by the qualified electors of the city, and councilmen by the qualified voters of the ward from which they are chosen, at the general election.

SEC. 19. The city elections shall commence at 12 o'clock noon and continue until 7 o'clock of the same day, without closing the polls. If any one of the judges or clerks of election fails to attend and serve at the proper time, the voters of the election ward then present may elect another in his place.

SEC. 20. Judges and clerks of election must possess the qualifications of voters in the ward where they act as such; but a mistake or error in this respect shall not invalidate any election otherwise legal.

SEC. 21. Within five days after the election the returns thereof must be certified to by the judges of election from each ward, and be filed with the city clerk; and within ten days after election the mayor and common council shall meet and canvass the returns of election and declare the result.

SEC. 22. Immediately after the completion of the canvass, and the result being declared, the city clerk must make and sign a certificate of election for each person declared to be elected and deliver the same to said person.

SEC. 23. A certificate of election is prima facie evidence of the matter therein stated, but the council is the judge of the qualifications and election of the mayor and of its own members; and in case of a contest between two persons claimed to be elected to any office must determine the same, subject however to the review of any court of competent jurisdiction.

SEC. 24. A contested election for any such office must be determined according to the law of the State of Idaho, and all amendments that may be made thereto, regulating proceedings of contested elections in county offices.

SEC. 25. The term of every person elected to office under this act, except as herein otherwise provided, shall commence on the first day of July of each year, and such person must, within five days after the issuance of certificate of election or appointment qualify therefor, by taking and filing oath of office, and giving such official undertaking for the faithful performance of his duties as may be required, or he shall be deemed to have declined said office, and said office shall become vacant, except in cases of contest, in which said case said persons must qualify as herein provided, within ten days from the determination of said contest.

SEC. 26. All those elected or appointed, under this act or the ordinances of the city, before entering upon the duties of his office must and file with the city clerk an oath of office to the following effect:

"I, A. B. do solemnly swear (or affirm) that I will support the constitution and laws of the United States, and of the State of Idaho, and the laws and ordinances of the City of Lewiston, and that I will, to the best of my ability, faithfully perform the duties of the office of..... during my continuance therein, So Help Me God."

SEC. 27. The city council, shall, by ordinance, provide for the holding of primary nominating meetings and provide for the manner and time of holding the same.

SEC. 28. All certificates of nomination of candidates for city offices, to be filled by the electors, at an election under this act, and all acceptances and withdrawals shall be filed with the city clerk ten days prior to the day of election, and the city clerk shall keep a register of nominations for the city offices, in the manner required by the general laws of the State of Idaho, and all amendments that may be made thereto, to be kept by the county clerk, and it shall be the duty of the city clerk to arrange in the manner provided by the general laws of the State of Idaho, for the arrangements of such names and information, the names and information concerning all candidates for such city offices and to certify and post the same and to cause the same to be printed upon colored or sample ballots and upon the white ballots to be used at the several polling places, within the limits of the city, and to do and perform all other things in that behalf which are required of the county clerk by the general laws of the State of Idaho, and all amendments that may be made thereto, and the chief of police shall do and perform all such other things and acts in and about the election, and the preparation therefor, as are required of the sheriff in said county, by the general laws and amendments that may be made thereto, regulating elections. All general laws and amendments that may be made thereto, regulating and governing elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this act unless as herein otherwise provided.

SEC. 29. An office shall be deemed vacant upon the

death, removal or resignation of incumbent or incumbents or a failure to qualify, as required by law. Any office may be declared vacant by the city council when the incumbent thereof shall have been absent from the city, without leave of the council first obtained, for the period of sixty days: *Provided,* That the office of any councilman, who shall neglect or refuse to attend six consecutive meetings of the council including both regular and adjourned meetings, without leave of the council first obtained, may be declared vacant by the council: *Provided, further,* That such councilman shall have had notice of such adjourned meetings.

Failure of any person elected to qualify therefor, as prescribed in this act, or made by or consequent upon the judgment of any court or consequent upon any failure to elect or qualify or in any of the cases specified in this act, must be filled as follows:

FIRST. Office of councilman by the appointment of the council to continue until the expiration of said term.

SECOND. In the office of treasurer, by appointment of the mayor, and confirmed by the council, to continue until the expiration of said term.

THIRD. In the office of mayor by appointment of the council to continue until the next regular city election, or until his successor is elected and qualified.

SEC. 30. An officer appointed to fill a vacancy must, within five days from the date of such appointment, qualify therefor, as in case of an officer elected, or he shall have been deemed to have declined said office and the office considered vacant.

SEC. 31. The city council shall have all the legislative powers granted by this act, and all other corporate powers of the city, not herein, or by some ordinance of the city conferred on some other officer.

SEC. 32. The council shall provide for the time and place of its regular meetings at any of, which it may adjourn until its next regular meeting, or to any intervening time, and it may be convened by the mayor, or a majority of the members of the council, at any time, upon not less than twenty-four hours' notice given by the city clerk, to the mayor, and to each member of the council in the city.

SEC. 33. A majority of the members of the council shall constitute a quorum to do business; but a less number may

meet and adjourn from time to time and compel the attendance of absent members.

SEC. 34. The council may adopt rules, for the government of its members and its proceedings. It must keep a journal of its proceedings, and on the call of any of its members must cause the yeas and nays to be taken and entered in the journal upon any question voted upon. Its deliberations and proceedings must be public.

SEC. 35. A majority of the whole number constituting the council, is a majority within the meaning of this act, and not otherwise, unless expressly so provided. The concurrence of the majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance, and the removal of any officer from office. The concurrence of the majority of the whole number constituting the council shall be required in the final passage of an ordinance, and a two-thirds majority of the members constituting the council shall be required to remove any officer from office.

SEC. 36. During any temporary absence of the mayor from the city, or if he be unable to act, the council shall elect one of their members, who shall be the acting mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided, by this act.

SEC. 37. The mayor is chief executive of the city and must exercise a careful supervision over its general affairs and subordinate offices. He shall preside over the council, when in session, and shall have authority to preserve order, enforce the rules of the council, determine the order of business subject to such rules, and to an appeal to the council. He shall not be entitled to a vote except in case of a tie in the vote of the members present and voting, in which case he shall have the casting vote, except on the final passage of an ordinance.

SEC. 38. An ordinance which shall have passed the council, shall before it becomes a law, be presented to the mayor for his approval. If he approves the same he shall sign it, if not, he shall, within ten days return it, with his objections in writing, to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same. If after such re-consideration two-thirds of the council shall vote to pass the same, it shall

become a law. In the event the mayor does not sign said ordinance, when presented to him for his signature, and does not return the same to the council within ten days herein provided, the same shall become a law and have the same force and effect as if signed by the mayor: *Provided*, That said ordinance, upon its final passage had previously received the majority vote of the members of the council.

SEC. 39. The mayor shall take and approve all official undertakings which this act or the ordinances of the city may require any officers to give as security for the faithful performance of his duties, or any undertaking which may be required of any contractor for the faithful performance of his contract; and when he approves said undertaking he must immediately file the same with the city clerk.

SEC. 40. Any resolution or contract requiring the payment of money, under any ordinance or resolution shall not go into force or be in effect until approved by the mayor, except as provided in this act.

SEC. 41. The city attorney shall represent the city in all suits or proceedings, in which the city is legally interested and give his opinion and advice in writing concerning any matter in which the city is interested, when required by the mayor and council, and perform such other duties as may be prescribed by ordinances and resolutions duly and regularly passed. But the city may, when the necessity requires, employ additional counsel.

SEC. 42. It shall be the duty of the clerk to keep a fair and correct journal of the proceedings, and to file and keep all the books and papers of the city council; keep proper books of accounts, showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon and to whom payable, and when the council orders any demand or account to be paid, if money has been appropriated for that purpose and not otherwise, the clerk must draw a warrant upon the treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the mayor, and attested by the clerk.

The clerk shall also perform such other duties as may be prescribed by this act and by ordinances and resolutions of the said city, duly and regularly passed.

SEC. 43. The police judge shall have the exclusive jurisdiction over all crimes defined by any ordinance of the

city, and all of the actions brought to enforce or recover any penalty or forfeit declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. The police judge shall have concurrent jurisdiction with, and perform all of the duties required of the police judge, under the general laws of the State and all amendments that may be made thereto. All civil or criminal proceedings before said police judge, under and by authority of this act, shall be governed and regulated by the general laws of this State and all amendments that may be made thereto, relating to police judges, and to their practice and jurisdiction.

SEC. 44. The chief of police is a peace officer, and must execute all process, issued by the police judge.

He must attend regularly upon the courts of said police judge, and meetings of the council. He shall have power to arrest all offenders against the laws of the State of Idaho, or the city, by day or by night, in the same manner, with or without warrant, as other peace officers may do under the general laws of the State. He shall exercise a viligant control over the peace and quiet of the city, and he is the keeper of the city prison, unless otherwise prescribed by ordinance. The chief of police shall perform such other duties as may be required of him by ordinances and resolutions, duly and regularly passed by the city council. He has power by and with the approval of the council, to appoint one or more policemen, who shall possess the same power as the chief of police. He must keep a correct record of all arrests made by him or the policemen, showing the time, cause or complaint, upon which said arrest was made, and must make a full and complete report in writing each month to the said council.

SEC. 45. The treasurer must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the mayor, attested by the clerk. He must keep an account of the general fund and a separate account of the separate funds that may be created for any specific object; and when a warrant is drawn on any particular fund it can be paid only out of said fund; he must make a report of the receipts and expenditures to the common council, at the first regular meet-

ing in the months of January and July of each year; which said report shall be published in some newspaper, published in the city. He shall also perform such other duties as may be prescribed by this act, and by ordinances, duly and regularly passed.

SEC. 46. The city assessor must annully make a correct list of all property subject to taxation by the city, with the valuation thereof, and certify and return the same to the city clerk. He shall also perform such other duties as may be hereinafter contained relative to the assessment of property, within the limits of the city, and do and perform all things which may be prescribed by ordinances and resolutions of the council duly and regularly passed.

SEC. 47. The power and duties of all other officers of the city shall be as prescribed by ordinance.

SEC. 48. The style of every ordinance shall be "The City of Lewiston Does Ordain as Follows:"

All ordinances and resolutions or rules for the appropriation or payment of money shall require for their passage and adoption the concurrence of the majority of all the members of the council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section so amended shall be repealed.

SEC. 49. All ordinances shall, as soon as may be after their passage, be recorded in the book kept for that purpose and be authenticated by the signature of the presiding officer and the clerk; and all those of a permanent character, and those imposing any fine, penalty or forfeit, shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defence to any suit or prosecution for such suit, fine, penalty or forfeiture to show that no such publication was made, and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC. 50. The council has full power and authority within the limits of the city of Lewiston to assess, levy, and collect taxes, for general municipal purposes, not to exceed fifteen mills on a dollar per annum, upon all property both real and personal, which is taxable by law for State and county purposes; to license, tax, and regulate

brokers, auctioneers, taverns, hawkers, peddlers, pawn brokers, wash houses, places of public amusement or entertainment, including theatres, operas, exhibits, shows, and the like, hotel and boarding house keepers and runners, dealers in second hand articles, dealers in merchandise of all kinds, the keeping of billiard tables, skating rinks, bowling alleys and shooting galleries, and for the purpose of this act, to define and declare what constitutes any such professions, callings, employments or such places of amusement or entertainments.

To license, tax, and regulate, livery or boarding stables, hacks, cabs, hackneys, carriages, wagons, carts, trucks, drays or other vehicles used for transportation of persons or passengers, or other goods, wares, or merchandise, earth, rock, building materials or other articles, within the limits of the city and prescribe the rates to be charged for such transportation.

To license, regulate, restrain and to prohibit for cause, drinking saloons, beer shops, breweries, or other places where intoxicating or other beverages are sold or disposed of, and the disposal thereof; all offensive and dangerous trades, employments or business, and for the purpose of this act to define what are offensive and dangerous trades, employments or business, but this section does not empower the city of Lewiston to declare a trade, employment or business, offensive or dangerous, contrary to the common understanding of the subject nor to authorize any one to do any act or engage in any business, contrary to the law of the land; and to require bonds to be given by the proprietor of the business mentioned in this section, with sufficient sureties, conditioned not to keep, allow or permit a disorderly house, and to cancel and revoke any such license, in their discretion: *Provided,* That no State or county license shall authorize any person to engage in or conduct any business or anything mentioned in this or the following sections of this act, unless a license is first obtained from said city council, and the council may provide such conditions and penalties in the issuance of said license as in its judgment, it shall deem to the best interest of the city and the inhabitants thereof. To regulate and prevent bawdy-houses, or houses of ill-fame, or places where fornication is practiced and to punish any keeper or inmates thereof, and to punish the owners of any property who rent,

lease or permit their property to be used as a bawdy-house or house of ill-fame, or places where fornication is practiced, and in the event the owner of said property, so used, is not a resident of the city of Lewiston, the punishment and penalty shall extend to his lessee or agent, in the same manner as to the owner; to prevent and suppress opium smoking, and houses or places kept therefor, and punish persons who shall vend or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house, or place to be smoked upon the premises, and to punish any keeper of such house or place, or person who smokes therein, or frequent the same; to tax regulate, license and prohibit the sale of cigarettes, cigars, tobaccos, or any of them to minors.

SEC. 51. To make regulations to prevent the introduction of contagious diseases in the city and to remove persons afflicted with such diseases therefrom, to suitable places provided by the city for that purpose; to secure the protection of persons and property therein and to provide for the health, cleanliness, ornament, peace and good order of the city; to regulate the plumbing and drainage of buildings, and the use of steam boilers, steam generators, and elevators, and to provide for the registration of plumbers, and to make effectual such regulations as the council may deem it expedient, providing penalties for the breach of any of the provisions thereof; to make such sanitary regulations as to the council may seem proper.

To provide for the lighting the streets, parks buildings and other public places of the city, and to furnish the city with gas, electric or other lights, and for the erection, construction and maintenance of such works, within or without the city limits as may be necessary or convenient therefor; to prevent and punish trespassers upon real and personal property; to define what shall constitute vagrancy and to provide for the support, restraint, punishment and employment of vagrants and paupers; to prevent the sale, circulation and disposal of obscene literature, including books, papers prints, pictures and the like, and to punish any person who sells or offers for sale, or who circulates or disposes of any such literature, books, papers, prints, pictures, and the like and to define and declare, from time to time, what, if any literature, books, papers, prints, pic-

tures, and the like are obscene, within the purpose and province of this act; to prevent and remove nuisances and to declare what shall constitute the same, and to punish persons permitting or suffering nuisances, and to provide the manner of their removal and to make the cost of such removal a lien upon the property where such nuisances existed; to fill up or drain any lot, block or parcels of land, where any stagnant water stands, and to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained, and the cost thereof collected in the manner hereinafter provided for the collection of special assessments; the work of filling up or draining such lots, blocks or parcels of land, shall be performed by the street commissioner.

To define the fire limits, to prohibit the erection or repair of wooden buildings within the fire limits and to restrict and limit the height of buildings within the city; to provide for and determine the entrances and exits from all theatres, public halls, places of amusement, churches and other buildings used for public gatherings and the modes of hanging doors thereat, and to regulate the plumbing and sewerage of all buildings within the city, and to require adequate fire escapes, apparatus and appliances for the protection against fire to be provided in such buildings and to prohibit the erection of dangerous and unsafe buildings, and the cost of the removal or of tearing down of the same wherever situated; to control and regulate fire departments, and to provide by ordinances for the officers thereof, and the election of the by the members of such fire department, and define the duties of the officers, and to remove them from office, for good cause shown, and to regulate the compensation to be paid for such officers, and employees of the fire department, when the same shall be so organized.

SEC. 52. To provide for the prevention and removal of encroachments and obstructions from the streets, sidewalks, cross-walks, alleys, avenues, lanes or other highways of the city, and for the cleaning and repairing of the same, and to compel owners, lessees, agents and occupants of lands abutting upon the streets to remove such obstructions and repair said street, sidewalk, alley lane or other highway of the city and to punish such person for refusing so to do. To provide for the establishment of markets, market houses, and places, and to regulate the location and

management of market houses, hide house and places, and to prohibit and regulate the location and management of slaughter houses and hide house, and in their discretion to prohibit by ordinance the location and existence of slaughter houses and hide houses within three miles of the city limits, and provide a standard of weights and measures and authorize the inspection of weights and measures, and food and fuel, and prevent and prohibit the sale of unhealthful and unwholesome food and to provide for an office of city weigher and measurer. To purchase sites and provide for the erection of city jails, houses of correction, work houses and any other public buildings, and for the government and management of the same, both within and without the city limits.

To regulate the storage and sale of gunpowder, dynamite, giant powder, nitro-glycerine and other combustibles, and to prevent their manufacture in the city and to prevent by all possible means, danger or risks of injury or damage by fire, arising from carelessness, negligence or otherwise. To restrain and punish intoxication, fighting and quarreling, and any disturbance or unlawful or indecent practice and define what shall constitute the same; to regulate and prohibit the use of guns, pistols, firearms, firecrackers, bombs, and detonating works, within the city limits; to prevent restraint, punish and disperse any riot or riotous assemblage or any person taking part therein; to prohibit the carrying of dangerous weapons in a concealed manner.

To license, tax control and regulate laundries and occupations offensive to the senses or obnoxious to the health and to provide for their exclusion from the city limits.

To regulate the driving of animals through the streets and to prevent cruelty to animals and children; to prevent any and all domestic animals from running at large within the city limits or any part thereof; and to punish those persons who allow animals to so run at large; and to provide for the empounding of the same and also to provide for the sale of such animals upon five days' notice and to authorize the destruction of dogs when at large, contrary to any provision of any such ordinance. To compel all persons erecting or maintaining privies or cess-pools, within one hundred and seventy-five feet of any street or alley, in which a sewer is or may hereafter be constructed, to connect the same therewith.

To purchase, take and hold real property when sold for delinquent tax or assessment, levied or imposed under the authority of the city of Lewiston, and to sell the same. To provide for surveying the blocks and streets of the city and for the making and changing the boundary lines of such blocks and streets; to regulate the use of streets, roads, highways and public places, for foot passengers, animals, vehicles, cars, street railways and locomotives; to regulate the transportation of gunpowder, dynamite, nitro glycerine and other combustibles, through the streets of the city; to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the streets without fastenings, and to prescribe the weights of wagons, carriages, trucks and other vehicles, width of tires, used thereon, and the weight carried thereby for the preservation of the streets and highways; to regulate the use of the sidewalks and prevent the extension of awnings, porches, balconies, building fronts, and house fronts within or over the street line, and may prohibit the building and use of barbed-wire fences; to regulate the opening of street surfaces, the laying of gas, and water mains, the building and repairing of sewers, and the erection of electric, gas and other lights.

To open, establish and vacate streets, avenues, lanes and alleys and widen the same, and for that purpose to purchase or condemn and enter upon and take any lands within the limits of the city, under the regulations as are provided in the general laws of the State of Idaho; to grade, pave, plank, macadmize, gravel curb or otherwise improve, repair, or beautify the highways, streets avenues, lanes, alleys and sidewalks of the city; to provide for the sprinkling, cleaning and repairing of all the streets in said city, and to provide for the payment of expenses thereof, to levy a special tax or special assessments upon real property which is especially benefited by said improvements, which said special tax or assessments shall be a lien upon said property, until paid.

To regulate and prevent public criers and advertising notices, the ringing of bells, and playing of bands in the street, and to control and limit traffic on the streets, avenues, and places; to regulate the use of the streets and sidewalks for the use of signs, sign posts, hitching posts, awning posts, telegraph posts, telephone posts, and electric

light posts, and other purposes; to regulate and prohibit the exhibition and hanging of placards or flags in, on or across the streets or from houses or other buldings; to prohibit the exhibition of deformed or crippled persons, and to prohibit such and all persons from beggingupon the streets or any of the public places; to establish from time to time, such police and fire stations as may be necessarv; to regulate the numbering of houses and lots on the streets and avenues, and the naming of streets and avenues; to prohibit persons from roaming the at unreasonable hours; to prevent the erection or removing of buildings within the city limits, which shall be dangerous to the passerby, or to the adjacent property or an obstruction to public travel, and in case any building or any public street shall become dangerous to passersby, the council shall have power to cause the same to be removed, or made safe at the expense of the property, upon five days' notice to the owner thereof, or agent therefor, and to determine by resolution, when the same is dangerous; such expense shall be made a lein upon the property and shall be levied, assessed and collected in the same manner as special assessments are collected; and the council may regulate the time and manner of, and prohibit the removal of buildings on the streets of the city, and may desgnate the character of the buildings which may or may not be removed; to lease or sell the property of the city, also to lease the water front to any person, steamboat or railroad company for the purpose of erecting warehouse, wharves, wharf-boats or for any other purpose they may deem proper.

SEC. 53. The city of Lewiston has authority to receive bequests, devises, gifts, and grants, of real and personal property, for the purpose of improving, constructing laying out, building and ornamenting streets, parks, boulevards, hospitals, libraries, public buldings, public places, and for any other purpose to ornament and beautify the city, and may by ordinance provide a manner of investing and caring for such bequests, devises, gifts, and grants.

SEC. 54. That no right, authority or franchise granted to any person, persons, or company or corporations to use the streets, avenues, or alleys for any of the purposes stated in this act, shall be for a longer term than twenty-five years, and such condtions and restrictions may be placed upon such person, persons, company or corporations enjoying

any of the rights and privileges which may be granted to them under the provisions of this act, as the council may, in its judgment, deem expedient for the protection of the city and the inhabitants thereof.

SEC. 55. The council of the city of Lewiston, shall establish and regulate fees and compensations of all its officers, except when otherwise herein provided. Said city shall have such other powers and privileges not herein enumerated, as are incident to municipal corporations of like character and degree, not inconsistent with the laws of the United States or of the State of Idaho, and as may be necessary for carrying into effect the provisions of this act, according to the true intent and meaning thereof; and shall have the same power and authority granted municipal corporations under and by virtue of the general laws of the State of Idaho, insofar as they are not in conflict with the provisions of this act.

SEC. 56. The mayor is entitled to and shall receive as a salary and compensation the sum of three hundred dollars a year; and the councilmen are entitled to and shall receive as a salary the sum of three dollars each, for each meeting of the council actually attended: *Provided,* That no one councilman shall be entitled to, or receive as such salary and compensation, more than two hundred dollars for any one year: *Provided further,* That none of the provisions of this section shall become operative until the question of the mayor and councilmen receiving the compensation herein provided, shall have been submitted to a vote of the qualified electors of the city, and majority of those voting upon said question shall be in favor thereof.

SEC. 57. No general laws of the State or any amendment that may be made thereto, shall have the effect to alter or amend this charter or any of the provisions thereof, when inconsistent therewith, unless the act, enacting said laws, clearly expresses such intention by reference to said charter.

SEC. 58. The council may adopt rules and regulations for the government and conduct of its members, and its proceedings. It may require of any of its said officers such official bonds for the faithful discharge of their duties as they may deem expedient and provide by ordinance for the giving, filing, approval and prosecution of such bond.

SEC. 59. On the first secular day of July there shall be

a regular annual meeting of the council and such meeting is appointed by this act, and no notice or call thereof is necessary.

SEC. 60. The city council shall sit on the 4th Monday in August, as a board of equalization, and shall have the same powers of a board of equalization as is given to the county board of equalization, and any person feeling himself aggrieved by any assessment, either in valuation or listing of property may apply to the council. sitting as a board of equalization, to have such assessment revised, and if the board of equalization, on examination deem the same erroneous, they must correct it. All acts and proceedings of said city council, sitting as a board of equalization shall be conducted in the same manner as is provided by the general laws of the State of Idaho, and all amendments that may be made thereto, for county board of equalization.

SEC. 61. The official books and papers of the city officers are city property, and must be kept as such by said officers, during their continuance in office, and delivered to their successors.

SEC. 62. The official books and papers of any officer mentioned in this act, or by any ordinance, may be inspected at any time by a committee of the council appointed for that purpose.

SEC. 63. The city council is not bound by any contract or in any way liable thereon, unless the same is authorized by a city ordinance and made in writing, and by order of the city council, signed by the clerk or some other person in behalf of the city. But an ordinance may authorize an officer or agent of the city, naming him, to bind the city without a contract in writing, for the payment of any sum of money not exceeding fifty dollars, ($50.00).

SEC. 64. That any person, persons, company or corporation, owning property within the city of Lewiston, who shall permit or allow their property or any sidewalk abutting upon or adjoining their property, to remain in a dangerous condition, shall be liable to any person damaged or injured by reason of the neglect of such person, owning said property to repair or remove the dangerous condition of such property or sidewalks, and shall reimburse the city for any loss which it may sustain by reason of such neglect: *Provided,* That nothing herein shall relieve the city

from any loss or injury to any person, growing out of the neglect or carelessness of said city.

SEC. 65. The city of Lewiston shall have power and authority to borrow money and issue therefor its negotiable bonds with negotiable interest coupons attached not to exceed at any time in the aggregate, fifteen (15) per cent. of the value of all taxable property in the said city as shown by the last preceding assessment roll of said city, for any and all of the following purposes:

First. To provide for the purchase or construction and maintenance of necessary water works and supplying the same with water, and to provide for lights for streets, public buildings and grounds.

Second. To provide for the laying, constructing, equipment and maintenance of sewers and drains.

Third. To provide for the grading, paving, constructing and laying out of streets and alleys.

Fourth. To provide for the funding, refunding, purchase and redemption of the outstanding indebtedness of said city, either at this time, or at any future time.

Fifth. To provide for establishment and maintenance of hospitals, pest houses, and cemeteries, either within or without the corporate limits of said city.

Sixth. To provide for the purchase, improvement, equipment, and maintenance of lands for the use public parks, either within or without the corporate limits of said city.

Seventh. To provide for the construction, erection, of public buildings, and building sites for the use of said city: *Provided,* That said city may join with the State of Idaho, or any municipal corporation or subdivision of the State of Idaho, in the purchase, erection, construction and furnishing of a public building and building sites, and issue bonds for such proportion thereof which shall be used and utilized by the said city.

Eighth. To provide for the establishment, equipment, and maintenance of a fire department, and for the purchase of suitable and necessary apparatus and buildings, and building sites for the use thereof, and for all other necessary public improvements.

Ninth. To provide for the purchase or construction and maintenance of any bridge or bridges, across either Snake or Clearwater rivers: *Provided,* That said city may join with the State of Idaho or any municipal corporation or

subdivision of the State of Idaho, in the purchase or construction and maintenance of any bridge or bridges, across either Snake or Clearwater rivers.

Tenth. To provide for the grading curbing, guttering, paving macadmizing or planking streets and alleys, and to levy and collect special assessments upon the property to be benefited thereby.

Whenever the common council of said city shall deem it advisable to issue negotiable coupon bonds of said city, for any of the purposes aforesaid, the mayor and common council of said city shall provide therefor by ordinance which shall specify the purpose of the issuance of such proposed bonds; if it is to create a new debt the object thereof must be stated, or if it is to fund or refund any existing indebtedness, it must be described, and when it consists of warrants or other securities, they must be described by giving their number, date, and amount, and the fund out of which the same, according to the terms thereof, are payable; and the ordinance shall declare the purpose and the total amount for which such bonds shall be issued, and designate the provisions to be made to pay the interest on such bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of the issuance of the same, and shall also provide for the holding of an election of the qualified electors of said city, who are taxpayers of said city, of which thirty days' notice to be provided for in such ordinance, shall be given in a newspaper in said city designated in said ordinance. Said election shall be conducted as other city elections. The voting at said election must be by ballot, and the ballots used shall be substantially as follows: "In favor of issuing bonds to the amount of $.....dollars for the purpose stated in ordinance No....." and against issuing bonds to the amount of .....dollars for the purpose stated in ordinance No....." If at said election, as provided for in this section, two-thirds of the qualified electors who are taxpayers in said city, voting at said election, assent to the issuing of said bonds, and the incurring of the indebtedness thereby created for the purpose aforesaid, said bonds for said purposes shall be issued in the manner hereinafter provided. Said bonds shall be known as municipal coupon bonds of the city of Lewiston, Nez Perce County, State of Idaho, and shall be issued

as near as practicable in denominations of one thousand dollars ($1,000.000) each, but bonds of the denomination of five hundred dollars ($500.00) and one hundred dollars ($100.00) may be issued when necessary. Said bonds to be made payable within twenty (20) years from the date of issue thereof. Said bonds must bear interest at a rate not exceeding six per centum per annum, to be paid on the first day of January, and the first day of July in each year at the office of the city treasurer, or at such banking house of trust company in the city of New York as may be designated by the mayor and common council of said city, at the option of the holder thereof. Such bonds shall be redeemable at the pleasure of said city at any time after the expiration of ten (10) years from the date of the issuance thereof, and each bond must be redeemed in the order it is numbered.

The bonds mentioned in this section must be attached thereto, when negotiated, semi-annual interest coupons, covering the interest expressed in the bonds, from the date of issuance until paid. Such bonds must be signed by the mayor and attested by the clerk of said city and bear the seal thereof and be countersigned by the treasuerer thereof, and the coupons attached thereto must be signed by the said treaasurer. Each coupon must have annexed to the same a number corresponding with the number of the bond and each bond must state upon its face the amount for which it was issued, the date of issue, and be made payable to a person named or to bearer, and must recite that it is issued by virtue of and in conformity and compliance with the provisions of this section, and of the constitution and all other laws of the State of Idaho, and shall have a copy of this section printed on the back thereof.

The said mayor and common council must give notice by publication in some newspaper published in said city—if a weekly paper, in four issues thereof; if any other paper for four weeks—of its intention to issue and negotiate such bonds and invite bidders therefor, and after ascertaining the best terms upon and the lowest interest at which such bonds can be negotiated, must secure the proper engraving or printing thereof, and thereafter have them consecutively numbered, and otherwise properly prepared and executed; and when so executed they must each be, by the clerk of said city registered in a public record book, to be

kept for that purpose, and therein must be stated the number, date and amount of each bond, time and place of payment, rate of interest and number of coupons attached. Then said mayor and common council must, from time to time, in such amounts as they may deem best, deliver said bonds to the treasurer of said city, and take and file receipt therefor and charge him therewith; and any duties required of said mayor and common council may be performed at any general special or called meeting thereof. The said treasurer must, under the general supervision of said mayor and common council deliver said bonds to the purchaser or purchasers thereof, and in no case must said bonds be sold for less than their face or par value, and the accrued interest at the time of disposal. Said bonds may be issued in case of funding or refunding in exchange for, or on cancellation of, and equal amount of prior indebtedness being funded or refunded. Said bonds and all proceeds derived from sale thereof must be applied exclusively to the purposes for which said bonds are issued. Said city treasurer must keep a record of all bonds disposed of, showing their number, date of interest, date and amount of sale, and when and where payable, which record must be kept open for the inspection of the public at all reasonable office hours, and he must make detailed statements to and as often as required by said mayor and common council of all his transactions under the provisions of this section.

The mayor and common council must upon the issue of said bonds, by ordinance, direct to be levied, and must thereafter levy annually upon all taxable property of said city a sufficient sum to pay the interest on all bonds to be disposed of under this statute, as it falls due, and a sufficient additional sum to constitute a sinking fund for the payment of the principal of said bonds within twenty (20) years from the date of issue of the same. And all such taxes must be levied, assessed and collected as other city taxes, until the bonds so issued are fully paid, including the interest thereon. The faith, credit and all taxable property within the limits of said city, as they now exist, or may hereafter be extended, are and must continue pledged and the proper officers of said city must continue to assess and collect on all taxable property within the limits thereof, the necessary taxes to pay said bonds and interest as the same becomes due. Should the tax for the

payment of interest on, or bonds issued under, the provisions of this section, at any time not be collected in time to meet such payment, the interest must be paid out of any moneys in the city general or expense fund, and the money so used for such payment of interest must be repaid to the fund from which so taken, out of the first moneys paid therein. It shall be the duty of said treasurer in case of sale of bonds to use the proceeds arising from the sale of said bonds in payment of the indebtedness described in said ordinance only. Any failure of any of the officers of said city to comply with any of the provisions of this act shall be deemed a misdemeanor, and any such officer shall be fined in an amount not exceeding the sum of three hundred dollars, and imprisonment in the city jail, not exceeding six months.

That when bonds are issued under this section for the purpose of funding, refunding, purchase or redemption of the outstanding indebtedness of said city to the profit and benefit of said city, the same may be issued without the submission of the question of the issuance thereof to the electors of said city.

SEC. 66. The city shall have the power to regulate the running of ferries within the city limits, and to license the same, and to build and maintain bridges and ferries across the Clearwater, and Snake rivers; and for the purpose of building and maintain such bridges or ferries, the city may purchase the right of way beyond its limits and expend money for the construction and maintenance of such bridges and ferries outside the city limits, and the jurisdiction of the city shall extend beyond the city limits so far as such bridges or ferries, or their approaches thereto may extend: *Provided,* That the city shall have no authority to expend money for such ferries, which do not run to or from some point within the city, or on bridges, some portion of which is not within the city.

SEC. 67. The city of Lewiston, has power to authorize, provide for and regulate the erection, maintenance and removal of telegraph, telephone, electric light, electric railway and other poles, wires and cables, and the laying in use of underground conduits or subways for the same, in, under, upon or over the streets, alleys or public parks and public grounds, of said city, and in, under or over, and upon and lands owned or under the control of said city,

whether they be inside the limits of said city, or not, and to require all such wires and cables to be laid in the said conduits or subways, when reasonably practicable. To locate and construct any ditch, canal or pipe, for the conduct of water, and any drain, sewer or culvert, which may be deemed necessary or convenient, and for such purpose it shall have the right to enter upon the land between the termini of such ditch, canal, pipe, drain, sewer or conduit, for the purpose of examining, laying and surveying the line of such ditch, canal, pipe, drain sewer or conduit, doing no unnecessary damage thereby, and to appropriate so much of said land as may be necessary for the construction of said ditch, canal, sewer pipe, drain or culvert, in like manner as provided by the laws of this State, for the appropriation of lands or right of way, by corporations and to approrpiate and divert from its natural course, or channel for the purpose of draining or flushing any drain, sewer, or culvert, or securing a supply of water, any spring or stream of water; and compel the extension of water and sewer connections to the main sewer or pipe or curb line of the sidewalks along the public streets.

To provide for the taking enumeration of the inhabitants of the city; to regulate the burial of the dead, and regulate all births and deaths and to direct the returning and keeping of all bills of mortality, and to impose a penalty on physicians, sextons and others for any default in the premises; for the preservation of the health of the inhabitants of the city, the city council is empowered to abate any nuisances within four miles of the limits of the city, which is liable to injure the health of said inhabitants, and in case of such nuisance, said council shall have the same powers as if such nuisances existed within the corporate limits of said city.

SEC. 69. The council whenever it is deemed expedient to cause sidewalks to be constructed, repaired or kept in order, may, by ordinance, provide for the construction of the same.

If any person owning real estate within the city shall refuse or neglect to build or repair said walks according to the requirements and provisions of said ordinance, within thirty days after its publication, the council shall cause said walks to be constructed or repaired and pay for the same out of the general street fund; and the expenses

thereof shall be assessed on the real property along which said walks are built or repaired, and collected as special assessments are collected.

SEC. 70. When the grade of any street, highway, or alley shall have been established by ordinance of the city of Lewiston, and any person or persons shall have built, or made improvements on said street, highway or alley, and the city shall afterwards change the established grade, or shall change the boundary line of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured, the amount of such damages, and when the parties interested are unable to agree, with the city council as to the amount which shall be paid, the same shall be assessed by three persons, one of whom shall be appointed by the mayor, one by the owner or owners of the property, and one by the two appointed; or in case of their disagreement, by the city council. Said appraisers shall be sworn to faithfully execute their duties, according to the best of their ability. They shall view the premises, and receive any legal evidence and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess damages sustained over and above the additional value of the property, by reason of the change of improvements. They shall report and deliver the same to the clerk of the district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precipe therefor the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient the clerk shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleadings in a civil action may be filed in such special pleadings as the court shall allow, and the issue thus formed shall be tried as other civil actions. The cost shall be taxed against the city only when a judgment is for a larger amount than was awarded by the appraisers, or the same has been tried at

the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced, otherwise the costs shall be taxed against the parties claiming damages.

SEC. 71. The council shall have authority to grant the use of the streets, for telegraph, telephone, electric lights, water works, street railways, and for such other purposes as may be of a general public utility and may regulate fees to be charged by the person or persons, company or corporations, using the streets for the purposes as stated in this section.

SEC. 72. The council shall have the power to invest all money in any sinking fund of the city, in State and county warrants, municipal bonds of the city of Lewiston, and other municipal or quasi municipal corporations of the State of Idaho: *Provided,* That it shall require a two-thirds vote of the members of the council, before any such money can be invested. That the principal together with all interest and profit realized therefrom, shall be returned to and be placed in the sinking fund from which the same was taken immediately upon the maturity of said investment.

SEC. 73. That no plat of any addition to the city of Lewiston shall be filed in the office of the county recorder of Nez Perce county, unless the same contains a certificate of the city clerk, certifying that the streets and alleys, laid out in the proposed addition are continuous with and correspond in directions and width to the streets and alleys adjoining, and contiguous with the proposed addition.

SEC. 74. The council shall have the power to create and establish, by ordinance such commissions as may be necessary to efficiently conduct the affairs of the city, or any of its departments, and prescribe rules for the government and regulation of such commissions where created.

SEC. 75. The city of Lewiston is empowered for the purpose of grading, curbing, guttering, paving, repairing, graveling macadamizing, planking or improving the streets and alleys and for the purpose of constructing and laying sewers to levy special assessments, on the lots and parcels of land, benefited by any such improvements, in proportion to the benefits of said lots and parcels of land, respectively.

Subdivision 2. No such grading, curbing, guttering, paving, repairing, macadamizing, planking and improving of streets and alleys, and the constructing and laying of sewers mentioned in subdivision one of this section, can be undertaken or made except in the manner provided in subdivisions three, four, and five of this section.

Subdivision 3. For the purpose of levying any such special assessment, the council shall, at a general or special meeting, by resolution, fix and describe the property which shall be benefited by making such improvements, which resolution shall fix a time and place when the council will meet for the purpose of hearing objections to the inclusion of any parcel or parcels of land, included within the district to be benefited, which time for said meeting shall not be less than thirty days from the date of such resolution, and twenty days' notice of the passage and approval of said resolution by the council, and of its intention to make any of the improvements mentioned in this section, shall be given in the manner provided for in subdivision four of this section.

At such meeting, held for the purpose of hearing objections, if more than one-half of the owners of the property described in said resolution file with the city clerk a written remonstrance against the proposed improvements, the same shall not be then be further proceeded in or made. And any improvement so defeated by remonstrance shall not be again proposed for six months, except upon petition of a majority of the owners of property to be effected thereby. If at such meeting, held for the purpose of hearing objections one-half of the owners of the property described in said resolution do not file remonstrances against the making of said improvements, the council shall, by resolution, finally fix and determine the district to be benefited by such improvements and construction. The council shall thereupon, as soon as may be, at any general or special meeting, by resolution, fix and determine the amount to be assessed, against each lot or parcel of land, included within said district to be benefited for the purpose of such improvements, taking into consideration the benefits derived and injuries sustained by such improvements, and the amount charged against the same, which, with the vote thereon, by yeas and nays shall be spread at length upon the minutes. After the completion of the apportionment

and assessment of the benefit to separate parcels and tracts of land, as aforesaid, the council shall cause thirty days' notice to be given, in the manner provided for in such subdivision four of this section, of the time and place of a meeting, general or special, of said council, at which objections would be heard to the assessments made, and at such special meeting, or any adjournment thereof, the council shall hear all evidence submitted in behalf of any of the parties interested, and take such action that such evidence may, in the opinion of the council, require: *Provided,* That if the council, at such meeting increases the amount assessed against any tract or parcel of land, the council shall cause the city clerk to give not less than twenty days notice, in the manner provided for in subdivision four of this section, of a meeting, general or speial, of said council, at which objections would be heard to any such increased assessments, at which meeting the council shall hear evidence submitted against any such increase, and shall readjust the assessments, as such evidence shall, in the judgment of the council require. All such assessments shall be known as special assessments for improvements and construction and shall be levied and collected as a separate tax in addition to the taxation for general revenue purposes, and shall be placed on a tax roll, kept for that purpose, for collection, and subject to the same penalties as other taxes and collected in the manner provided for in subdivision five, of this section. The council of said city shall in their discretion provide for the levy and collection of such assesments, in installments instead of levying the entire assessment at one time, payable in installments of equal amount each year, none of which said installments shall run longer than ten years, or bear interest, exceeding six per cent. per annum. All such assessments shall be made as herein provided. The owner of any piece of property, liable to any such special assessment may, redeem his property from such liability by paying the entire assessment, chargeable against his property (upon the city clerk mailing him a printed notice) thirty days before the same is due and collectible by paying all the installments of the assessments which have been levied and also the amount of unlevied installments with interest on the latter at the rate of six per cent. per annum, from the date of the maturity of the last installment. In all cases

where installments of assessments not yet levied and paid as above provided, are paid, the same shall be paid to the city clerk, who shall receipt therefor and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the warrants or bonds issued therefor.

Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable for further special assessments for the cost of such improvement except as hereinafter provided.

No, suit to set aside the special assessment or to enjoin the making of the same shall be brought, nor any defense to the validity thereof, be allowed after the expiration of thirty days from the time the amount due on each lot or parcel of land, liable for such assessment is ascertained and confirmed by the city council. The funds raised by such assessment shall be applied solely towards the payment of such improvements and construction and the redemption of the warrants or bonds issued therefor. That in all cases of special assessment, for local improvements of any kind against any property, persons or corporations, wherein said assessments have failed to be valid in whole or in part, for want of form, or insufficiency, informality or irregularity or non-conformance with the charter provisions of laws governing such assessments, the city council shall be and they are hereby authorized to re-assess such special taxes or assessments, and to enforce their collection in accordance with the provisions of law, existing at the time the re-assessment is made; and be it *Further provided,* That whenever, for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost of the improvements made and enjoyed by owners of property in the local assessment district, where the same is made, that it shall be lawful, and the city council is hereby directed and authorized to make re-assessment on all the property in said local assessment district such re-assessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

Subdivision 4. All notices required to be given under subdivision three of this section shall be given in the following manner, to-wit: Within two days after the pass-

age and approval of the resolution fixing and describing the property which will be benefited by making such improvements, and fixing a time and place when the council will meet for the purpose of hearing objections to the inclusion of any particular parcel or parcels of land, included within the limits of the district to be benefited, the same shall be delivered to the city clerk and he shall, within five days after the same has been so delivered to him, notify each of the property owners mentioned in said resolution, that said resolution is in his possession, and subject to examination, and said notice shall also describe with common certainty, the lot or parcel of land, to be affected by such improvement, which said notice shall, by said city clerk, be mailed to the last known postoffice address of said property owner, and said clerk shall also post a copy of said resolution at each of the polling places within the city of Lewiston, and after so posting copies of said resolution he shall publish in one of the newspapers published in said city, a notice stating that said resolution has been so posted and where the same may be found; said resolution shall remain in possession of the clerk until the day set for hearing objections. That within two days after the passage and approval of the resolution, fixing and determining the amount to be assessed against each lot or parcel of land, included within the district to be benefited for the purpose of such improvements the same shall be delivered to the city clerk, and he shall, within five days after the same has been so delivered to him, notify each of the property owners mentioned in said resolution that said resolution is in his possession and subject to examination, and said notice shall also describe with common certainty the lot or parcel of land, to be affected by such improvement, together with the amount to be assessed against such lot or parcel of land, which said notice shall, by said city clerk, be mailed to the last known postoffice address of said property owner.

Subdivision 5. All special assessments made and levied to defray the cost and expense of any improvement contemplated by the provisions of this section, and the cost of collection thereof, shall constitute a lien upon and against the property upon which such assessment shall be made and levied, from and after the date of the passage and approval of the resolution finally fixing and determin

ing the amount to be assessed against each lot or parcel of land included within the district to be benefited for the purpose of such improvement; such special assessment shall be collected in the following manner: Within ten (10) days after the passage and approval of the resolution finally fixing and determining the amount to be assessed against each lot or parcel of land, the city clerk shall prepare a special assessment roll, and place thereon the said special assessments levied for the purpose of making such improvements, and shall within said ten days give notice in one or more newspapers having general circulation in said city, of the time when such special assessments will become delinquent; that after said special assessments have been so placed upon said special assessment roll, it shall be the duty of the city clerk to sell the property on which said special assessment was levied, at public sale for the satisfaction of such special assessments, upon giving at least thirty days' notice of such sale, which said notice shall be published at least once a week for four consecutive weeks, next preceding the date of sale in, one of the newspapers of general circulation, published in said city. That after making said sale, as herein provided, it shall be the duty of the city clerk to issue his certificate of sale to the person bidding in said property, and said certificate of sale, when so issued shall be a lien upon the property upon which said special assessment was levied. That it shall be the duty of the city clerk, after issuing said certificates of sale, as aforesaid, to deliver copies thereof to the city attorney, and the city attorney shall, after the expiration of one year, from the date of such sale, as above specified, commence an action, in the district court of the proper judicial district in the name of the holder of any such certificate for the purpose of obtaining a judgment foreclosing the lien against the property described in such certificate of sale together with all interest and cost thereon, and in addition there shall be paid by said delinquent the sum of twenty dollars, attorney's fees in each case. The judgment in such foreclosure shall adjudge the title to such property so foreclosed upon to be absolute in the owner of such certificate free from all or any other liens whatsoever except taxes of any kind. Such foreclosure proceedings shall be subject to the rules of procedure and practice of

the district court of the judicial district of the State of Idaho, wherein said property is situated: *Provided,* That redemption from such sales under the assessment, may be made at any time prior to the filing of such judgment, by payment to the owner of such certificates, or to the city, or if action has been commenced to foreclose such certificate of sale, by payment to the city attorney, the amount for which such sale shall have been made, with interest thereon, all accrued costs, costs of redemption and the attorney fees, as provided herein when such property has been so redeemed, the city attorney shall file with the county auditor a certificate of redemption, which shall specify from what assessment sale the redemption is made, giving the date of such sale, a description of the property redeemed, the number of such certificates, the amount for which the property was sold, and the amount paid on redemption, which said certificates of redemption shall be signed by the city attorney. Upon filing the certificate of redemption, herein provided, with the county auditor, the property described in such certificate of redemption shall be free of the lien created by such special assessments, and proceedings thereunder, and such lien fully satisfied. All delinquent special assessments provided for in this section shall be subject to the same penalties and interest as is provided by the general laws of the State for general taxes levied for State and county purposes. The city of Lewiston shall have the right to bid in said property at the public sale herein provided for, and the certificate of sale shall be issued to said city and the same proceedings herein provided, shall be had in the name of the city of Lewiston, the same as when such certificate of sale is held by an individual. That said city clerk shall not sell at such public sale, or issue a certificate of sale for any property on which any special assessment has been levied, for a less amount than the special assessment so levied.

Subdivision 6. That all of the acts and proceedings of the common council of the city of Lewiston, with reference to the construction and laying of sewers, under the provisions of an act to amend section 7, (concerning streets and sidewalks, sewers and special tax therefor) of an act of the Legislative Assembly of the Territory of Idaho, entitled: "An act to amend the Charter of the City of Lewiston," approved February 1, 1881, by adding there-

to authority to grade, curb, gutter, pave, macadamize or plank streets and alleys and authority to levy and collect special assessments upon the property to be benefited by any such improvements, and any improvements provided for in said Section 7, and providing for the collection thereof, upon the property benefited," approved March 6, 1899, and the resolution of the said common council passed and approved on the 1st day of December, 1902, together with the acts and proceedings thereunder, are hereby legalized and made operative, the same as if said acts and proceedings had been commenced in accordance with the provisions of this section. That the construction and laying of said sewer in accordance with the resolution mentioned in this subdivision shall be completed in the same manner as is provided in this section for the construction and laying of sewers, insofar as fixing and determining the amount to be assessed against each lot or parcel of land to be improved, the levying of said special assessment and the collection of the same.

SEC. 76. That all liens acquired by any person or the city of Lewiston, except those acquired on account of the non-payment of the general city taxes, shall be collected in the same manner as is provided in subdivision 5 of section 75 of this act.

SEC. 77. That on or before the second Monday in September, in each year, the common council of the city of Lewiston shall determine the rate of the city tax, and levy the same by ordinance.

SEC. 78. That the general city taxes of the city of Lewiston shall be collected by the county assessor and tax collector of Nez Perce county; that when the common council of the city of Lewiston shall certify to the county assessor and tax collector of Nez Perce county, the property assessed, showing the name of the owner of such property together with the amount assessed against such property, it shall then be the duty of the county assessor and tax collector of Nez Perce county to extend on the general tax roll of said Nez Perce county, in a separate column, the amount assessed aginst the property mentioned in said certificate, which shall then be carried into a column of aggregates, including State, county and city taxes, and shall be collected by the county assessor and tax collector of said Nez Perce county, at the time and in the manner provided

by law, or any amendments that may be made thereto, for collecting State and county taxes, and the assessor and tax collector of Nez Perce county shall have the same powers conferred upon him respecting the collection of said city taxes and sale of delinquent property as are or may be hereafter conferred respecting the collection of State and county taxes.

SEC. 79. It shall be duty of said county assessor and tax collector to pay to the city treasurer of said city, every thirty days, all moneys collected by him on said city taxes, and shall take therefor the said treasurer's duplicate receipt, one of which shall be filed in the office of assessor and tax collector of said county, and the other shall, within ten days after issuance thereof, be filed with the city clerk of the city of Lewiston, that on or before the first Monday in August, of each year, it shall be the duty of said county assessor and tax collector to make a final settlement with the said city treasurer respecting said city taxes, and pay over all money then due the city, including said city's proportionate amount of delinquent city taxes, interest and costs on all tax sales and redemptions therefrom.

SEC. 80. All general city taxes levied and assessed under the provisions of this act shall become due and delinquent, and shall attach to and become a lien on the real property assessed, at the same time as State and county taxes, all the provisions of the general revenue laws of the State of Idaho, and all amendments that may be made thereto, governing and in aid of assessing and collecting State and county taxes, are hereby made applicable to the assessment and collection of said city taxes, wherever the same is not inconsistent with the provisions of this act.

SEC. 81. That all officers of Nez Perce county entrusted with the collection, paying over and custody of said taxes of said city and their sureties, shall be liable upon their official bond for the faithful performance of their duties in the collection, safe-keeping and paying over of said city taxes.

SEC. 82. The county assessor and tax collector of Nez Perce county shall furnish and give good and sufficient bond in the amount to be fixed by the common council of the city of Lewiston, as protection to said city.

SEC. 83. The city of Lewiston shall pay to the said Nez Perce county, one (1) per cent. on the amount of city

taxes collected, and such payments shall be in full for the services and compensation of the county assessor and tax collector, and all county officers, in collecting and paying over said city taxes.

SEC. 84. The city of Lewiston has the power to erect, construct and maintain such water works and reservoirs, within or without the corporate limits of the city as be necessary to provide the city, and the inhabitants thereof with good and wholesome water; to regulate the laying of all water mains and the construction of all extensions to the present water plant; to regulate the rate to be charged for furnishing water to the inhabitants of said city, and to provide rules and regulations for the use thereof. That for the purpose of protesting and maintaining the water works and reservoirs from injury and the water from pollution, the jurisdiction of the city shall extend over the territory occupied by said works, and all reservoirs, streams, trenches, pipes and drains used in and necessary to the construction, maintenance and operation of such water works, and over the streams or source from which the water is taken, for five miles above the point from which taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 85. That all costs for constructing sidewalks, and all special taxes, other than for general municipal purposes, shall be collected in the same manner as provided in subdivision 3, four and five of section 75, of this act, for the collection of special assessments.

SEC. 86. That the said city shall have the power to establish and maintain and assist in maintaining a public library and reading room and for such purposes may annually assess levy and collect in additon to the one and one-half per cent. per annum, for general municipal purposes provided for in section 50 of this act, a tax, not exceeding one half of one mill, on all taxable property within said city.

SEC. 87. All ordinances, resolutions and regulations now in force, in the city of Lewiston, shall remain in force until altered, modified or repealed by the city council after this act shall take effect.

SEC. 88. That before any annual levy and appropriation, for general municipal purposes, shall be made, it shall be the duty of the council to prepare an

estimate of the probable amount of money necessary for all general purposes to be raised in said city, during the fiscal year, for which the levy and appropriation is to be made, including interest and principal due on the bonded debt and sinking fund, itemizing and classifying the different objects and branches of expenditures as near as may be with a statement of the entire revenue of the city for the previous fiscal year, and shall enter the same at length upon its minutes and cause the same to be published two weeks in some newspaper of general circulation published in the city.

SEC. 89 That for the purpose of constructing and laying sewers, as provided in section 75, of this act, the city council may issue bonds in payment for such sewers, and said bonds, when so issued shall be a lien upon the property within the district wherein such sewer is constructed; that all bonds issued under the provisions of said section 75, and this section shall be known as "Improvement Bonds No....." and the improved district on which such bonds are a lien shall be described on the back of such bonds by metes and bounds. That such bonds shall bear interest not to exceed six per cent. per annum, and shall be paid at the same time and in the same manner as provided in said section 75 for the payment of warrants, and they shall be subject to the same redemption. That nothing in this section contained shall be construed to alter or change any of the terms or provisions of section 75 of this act, but the powers herein granted are additional to those enumerated in said section 75. That all of the provisions of this section are applicable to the provisions of subdivision six, of said section 75 and the bonds herein provided may be issued in payment for the constructing and laying of the sewers mentioned in said subdivision six of section 75 of this act.

SEC. 90. That for the purpose of lighting and sprinkling the streets of the city, the council may divide the city into districts, and levy a special tax upon the property included within such district for the purpose of defraying the expense of lighting and sprinkling such streets: *Provided,* That the total amount levied and assessd against such property, including that levied for other general municipal purposes, shall not for any one year exceed fif-

teen mills on each dollar as shown by the last assessment roll.

SEC. 91 That all claims against the city shall be presented for allowance, and the city is not liable therefor until the same has been so presentetd; and that all claims, other than for tort, shall be itemized as to date and amounts and shall refer to the contract, resolution, ordinance or law on which the same is based, or if on neither, then the name of the officer authorizing the same.

SEC. 92. The city council may, from to time, by resolution, provided for the codifying, revising, simplifying, arranging and consolidating the laws, ordinances, resolutions, and rules of the city, and thirty days after the same have been by ordinance, accepted by the council, they shall be in full force and effect, and no ordinance, resolution or rule included in any such code of the city issued under the provisions of this section need be published in a newspaper, or otherwise than in such code.

Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved the 9th day of March, 1903.

HOUSE BILL NO. 106.

AN ACT

TO PROVIDE FOR THE INTERNAL IMPROVEMENT OF THE STATE BY THE CONSTRUCTION OF A BRIDGE ACROSS SALMON RIVER IN THE COUNTY OF LEMHI, AND APPROPRIATING MONEY THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of constructing a bridge across the the Salmon River in the county of Lemhi in connection with the, State System of Wagon Roads. as hereinafter provided, there is appropriated the sum of three thousand dollers, or so much thereof as shall be necessary for such purpose.

SEC. 2. That the said bridge hereby authorized to be constructed as a part of said State Wagon Road System, with the approaches thereto, shall be not to exceed two hundred and fifty feet in length, and not less than fourteen feet in width in the clear for the passageway for the teams, and shall be constructed at a point across the Salmon river about five miles north of Salmon City in said county.

SEC. 3. The construction of said bridge for which provision is made by this act, shall be under the control and direction of three commissioners to be appointed by the board of county commissioners.

Said commissioners, before entering upon their duties, shall take and subscribe an oath before some officer authorized by the laws of this State to administer oaths, to faithfully perform the duties of his office; and shall file with the Secretary of State said oath and his official bond in the penal sum of two thousand dollars, with not less than two sureties, to be approved by the Governor of the State, conditional for the faithful discharge of the duties of his office. Said construction commissioner shall be bona fide residents of the county of Lemhi.

The duties of such construction commissioners shall be in all respects the same relative to the construction of said bridge herein provided for, in so far as the same shall apply, as the duties of the State Board of Wagon Road Commissioners, relative to the entire system of wagon road as defined in this act approved February 16th, 1893, entitled: "An act to provide for the internal improvement of the State by the construction of a system of Wagon Roads in the Counties of Boise, Custer, Lemhi, Idaho, Shoshone, Kootenai, Latah and Nez Perce, except as herein otherwise provided.

Said construction commissioners shall also have full power to cause the site for said bridge to be surveyed, and plans and specifications to be prepared therefore; to let a contract or contracts for the construction thereof; to employ an engineer to supervise the construction thereof, and to approve and accept all survey and construction contracts hereunder when the same shall be completed: *Provided,* That not more than the sum of one hundred and fifty dollars shall be expended for such survey, plans and specifications and supervision of construction: *Provided, further,* That no part of said appropriation shall be available for said bridge purpose until the people of Lemhi county shall, secure sufficient funds, guaranteed to the construction commission to complete said bridge and approaches thereto according to the plans and specifications.

SEC. 4. That each of said construction commissioners shall serve without pay, but shall receive his actual and necessary expenses incurred in the performance of his

duties hereunder; said sums to be paid out of the sum to be paid, out of the sum appropriated by this act.

SEC. 5. All claims against the State arising under the provisions of this act, must be certified by the construction commissioners and approved by the State Board of Examiners before any warrant can be drawn in payment thereof.

SEC. 6. An emergency existing therefor, this act shall be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 107.

AN ACT

REQUIRING THE BUILDING OF FIRE ESCAPE LADDERS ON ALL PUBLIC HALLS, OFFICE BUILDINGS, HOTELS, SCHOOL BUILDINGS, FACTORIES AND OTHER STRUCTURES OVER TWO STORIES IN HEIGHT, AND MAKING THE FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT A MISDEMEANOR AND PROVIDING PENALTIES AND PUNISHMENT THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It is hereby made the duty of every person, firm or corporation, or his or its agents, officers or trustees owning or having the management or control of any public hall, office building, hotel, school building, factory or other structure over two stories in height to provide and furnish such building with safe and suitable metallic, iron or fire proof ladders of sufficient strength and permanently and securely attach the same to the outside or outer walls of such buildings in such manner and in such position as to be adjacent to the windows and convenient and easy of access to the occupants of such buildings in case of fire.

SEC. 2. Such metallic, iron or fire proof ladders must connect with each floor above the first, and be well fastened and secure and of sufficient strength and extend from the first story to the upper stories of such building or to the cornice thereof.

SEC. 3. The provisions of this act are hereby made applicable to the trustees of all school districts in this State, whether operating under the general school laws of the State or whether they are independent districts operating under special charter.

SEC. 4. Any person, firm or corporation, or his or its

agents, officers or trustees, who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by imprisonment in the county jail for not less than three nor more than six months, or by a fine of not less than two hundred dollar ($200.), nor more than three hunderd dollars ($300.), or by both such fine and imprisonment.

SEC. 5. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 3rd day of March, 1903.

HOUSE BILL NO. 109.

AN ACT

FIXING THE TIME FOR THE PUBLICATION OF ALL ANNUAL AND BIENNIAL REPORTS OF STATE OFFICERS AND STATE BOARDS OF CONTROL, BOTH ELECTIVE AND APPOINTIVE, AND PROVIDING FOR SAID REPORTS TO BE DELIVERED TO THE SECRETARY OF STATE, AND PROVIDING A PENALTY FOR A VIOLATION OF THE PROVISIONS THEREOF.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. All annual and biennial reports of State officers and State Boards of Control, both elective and appointive, which are now authorized or which may be hereafter authorized by law to issue such reports, shall be compiled, printed and delivered to the Secretary of State on or before the 1st day of December, of the last year which said reports covers, to be by him delivered to the persons hereinafter mentioned, said reports to be of uniform size, quality and print.

SEC. 2. There shall be delivered to the Secretary of State on or before the 1st day of December of the said year, to be by him receipted for, at least 300 copies of each of the said reports for distribution as follows: One copy of each to the Governor, one of each to each head of the Executive Departments of the Government, one of each to each member of the Legislature, on the first day of the session or sooner, if practicable, and the remainder to such citizens as the Secretary of State may deem proper.

SEC. 3. Any failure to comply with the provisions of this act by the person or persons charged by law with the duty of making, compiling and delivery of said reports as in this act provided for, shall be guilty of a misdemeanor or upon conviction thereof in any court of com-

petent jurisdiction shall be fined in any sum not less than $200. nor more than $300. and upon notification from the Secretary of State to the prosecuting attorney of any county wherein such offense shall have been committed, it shall be his duty to prosecute such person or persons, and collect such fine as may by such court be imposed, and upon the collection thereof shall deposit the same with the Secretary of State for the benefit of the general school fund.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 112.

AN ACT

RELATING TO IRRIGATION DISTRICTS AND TO PROVIDE FOR THE ORGANIZATION THEREOF AND TO PROVIDE FOR THE ACQUISITION OF WATER AND OTHER PROPERTY AND FOR THE DISTRIBUTION OF WATER THEREBY FOR IRRIGATION PURPOSES, AND FOR OTHER AND SIMILAR PURPOSES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Whenever fifty, or a majority, of the holders of title, or evidence of title to lands susceptible of one mode of irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same they may propose the organization of an irrigation district under the provisions of this act, and, when so organized such district shall have the powers conferred, or that may be hereafter conferred by law, upon such irrigation districts: *Provided*, Said holders of title or evidence of title shall hold such title or evidence of title to, at least, one fourth part of the total area of the land in the proposed district, which will be assessable for the purposes of the district under the operation of this act. The equalized county assessment roll next preceding the presentation of a petition for the organization of an irrigation district, under the provisions of this act shall be sufficient evidence of title for the purpose of this act.

SEC. 2. A petition shall be first presented to the board of county commissioners signed by the required number of holders of title or evidence of title (and to at least one-fourth part of the total assessable area), of such proposed district, evidenced as above provided, which petition shall

set forth and particularly describe the proposed boundaries of the district, and shall pray that the same shall be organized under the provisions of this act and shall state the time at which the same will be presented to said board. The petitioners must accompany the petition with a map of the proposed district.

Said map shall show the location of the proposed canal or other works by means of which it is intended to irrigate the proposed district, and of all the canals situated within the boundaries of the proposed district.

If said water supply be from natural streams, the flow of said stream or streams shall be stated in terms of cubic feet per second. Said flow shall be given for, and shall state the length of the period of extreme low water in said stream or streams.

If the water supply for said district is to be gathered by storage reservoirs, said map shall show the location of said proposed reservoirs, and shall give their capacity in acre feet. Said map shall be drawn to a scale of two inches to the mile.

Cross sections of the proposed canal and all canals existing within the boundaries of said proposed district, and of all proposed dams and embankments, shall be given in sufficient number to show the contemplated mode of construction, and the capacity shall be given in cubic feet per second of the proposed and said existing canals. Such cross sections shall be drawn to a scale of ten feet to the inch, and said map and cross-sections, together with an estimate of the costs of such works, shall be certified to by a well known and competent irrigation engineer. The petitioners must also accompany the petition with a good and sufficient bond, to be approved by the said board of county commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all said costs, in case said organization be not effected. Such petition shall be presented at a regular meeting of said board, and shall be published for at least three weeks before the time at which the same is to be presented, in some newspaper printed and published in the county in which said proposed district is situated, and, if any portion of such proposed district be within another county or counties, then said petition and notice shall be published in a newspaper published in each of

said counties. When such petition is presented, the said board shall set a time for a hearing upon the same, which time shall not be less than thirty nor more than sixty days from the date of said presentation.

A notice of the time of such hearing shall be published by said board, at least fifteen days before the time of such hearing, in a newspaper published within the county in which said district is proposed to be organized, and if any portion of said district be within another county or counties, then said notice shall be published in a newspaper published within each of said counties.

A copy of such maps estimate and description of such boundaries shall be filed in the office of the State Engineer at least sixty days before the date set for such hearing by the board of county commissioners.

It shall be the duty of said State Engineer to critically examine such map, estimate and description of said boundaries, and if he shall deem necessary, to verify the same by a careful examination of the proposed district and the site of the proposed works; and he shall prepare a report which shall discuss the water supply of the proposed district and feasibility of the plans submitted for the reclamation of the lands thereof, and all other features pertaining to the irrigation of the proposed district.

The State Engineer shall submit said report to the board of county commissioners at the meeting set for the hearing of said petition for organization.

Whenever the State Engineer shall, after having critically examined the plans of said petitioners and looked into all that pertains to the reclamation of the lands of the proposed district, report to the board of county commissioners against the organization of such district, said board of county commissioners shall refuse to further consider such petition; but the said petitioners may amend such plan of irrigation at such hearing to meet the approval of the State Engineer and when said engineer shall approve of such organization, said board of county commissioners may adjourn such hearing from time to time, not exceeding four weeks in all and on the final hearing make such changes in the proposed boundaries as they may find proper and as are approved by the State Engineer, and shall establish and define such boundaries: *Provided,*

That said board shall not modify said boundaries so as to exclude from the boundaries of the district proposed by said petitioners any lands which are susceptible of irrigation by the same system of works applicable to other lands in such proposed district; nor shall any lands which will not in the judgment of said board, be benefited by irrigation by said system be included within such district: *Provided,* That no land included within the boundaries of said district as described in the petition shall be excluded until after ten days' notice of the proposed exclusion thereof shall have been mailed to the owner of such land at his postoffice address if known.

Provided, also, That any person whose lands are susceptible of irrigation from the same source, may, in the discretion of the board, upon application of the owner to said board, have such lands included in said district.

Such board shall also make an order dividing the district into three divisions of as nearly equal size as may be practicable which shall be numbered first, second, and third: And one director who shall be an elector and resident in the division shall be elected from each division by the district at large.

Said board shall then give notice of an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act. Such notice shall describe the boundaries so established, and shall designate a name for such proposed district: *Provided,* That in establishing and defining the boundaries of said proposed district, said board shall describe said boundaries in all cases by the legal subdivision lines of the United States surveys, if such surveys exist, or by the meander notes of survey through any such legal subdivisions, with proper connections with established United States survey corners, and the area of any such factional subdivision must in all cases be stated in order of said board establishing and defining said boundaries. If any portion of said boundaries is across unsurveyed land, the courses and distances of the meander of such portion of said boundaries shall be given with connections, with the United States survey corners, from each end of said meander line. A map giving all the information required in

this section in regard to the description of said boundaries may be attached to the description of said boundaries in lieu of such detailed description, and when so attached, said map shall form a part of said description. The object of the above provision is to enable every land owner along said boundaries to ascertain from said description what part if any, of his land is included within the said proposed district; and indefinite description of boundaries of said proposed district shall in no case be made in the order of said board of county commissioners establishing and defining them; and said board shall have power to postpone the establishing and defining of said boundaries, as herein provided, until such time as the petitioners shall furnish sufficient information to enable it to do so conformable to the provisions of this section.

And said notice shall be published for at least five weeks prior to such election, in a newspaper published within said county; and if any portion of such district lie within another county or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which shall contain the words "Irrigation District——— Yes," or Irrigation District——— No," or words equivalent thereto, and also the names of persons to be voted for to fill the various elective offices hereinafter prescribed. No person shall be entitled to a vote at any election held under the provisions of this act unless he shall possess all the qualifications required of electors under the general laws of the State, and be a holder of land and a resident in the proposed district.

SEC. 3. Such election shall be conducted as nearly as practicable in accordance with the general laws of the State: *Provided*, That no particular form of ballot shall be required, and that the provisions of the election laws as to the form of ballots shall not apply. At the time of making said order, said board of county commissioners shall establish as many election precincts as may be necessary and define the boundaries thereof, which said precincts may thereafter be changed by the board of directors of such district and shall appoint a registrar for each precinct so established, who shall have the same power and shall perform the same duties and receive the same compensation as registrars under the general election laws of

the State, but there shall be added to the usual elector's oath the following words: "And I am a resident and holder of land within the boundaries of the..... irrigation district:" *Provided, however,* That for all subsequent elections the board of directors of the district shall appoint such registrars and election officers. The petition, together with all maps, cross-sections, and papers filed therewith, shall, at all proper hours, be open to public inspection at the office of the clerk of the board of county commissioners between the date of their said filing and the date of the final hearing thereon.

Immediately after any election, for voting upon the organization of an irrigation district, the judges of said election shall forward the official results of said election to the clerk of said board of county commissioners. The said board of county commissioners shall meet within ten days after said returns are received, and shall proceed to canvass the votes cast thereat, and if upon such canvass it appears that two-thirds of the votes cast are "Irrigation District..... Yes" the said board shall by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the persons receiving respectively the highest numbers of votes for such several offices, to be duly elected to such offices and no action shall be commenced or maintained, or defense made affecting the validity of the organization, unless the same shall have been commenced or made within two years after the making and entering of said order. Said board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of county recorder of each county in which any portion of such lands are situated. If it shall appear however that more than one-third of said votes are "Irrigation District..... No," then a record of that fact shall be duly entered upon the minutes of said board, and all preceding in regard to the organization of said district shall be void, and the expenses properly incurred thereunder may be collected on the bond provided for in section two of this act. From and after the date of such filing of said order of the board of county commissioners, the organization of such district shall be complete, and the officers thereof shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying

according to law, and shall hold such offices, respectively, until their successors are elected and qualified. The board of directors so elected shall meet within thirty days after said organization of the district, and shall elect a president, and appoint a secretary and treasurer, who shall perform the duties imposed upon such officers under this act. All officers of the district must be residents thereof. The treasurer appointed under the operation of this act, shall execute an official bond in the sum of ten thousand (10,000) dollars; said bond to be approved by the board of directors of the district: *Provided,* That when the amount of money in the hands of said treasurer at any time exceeds the sum of ten thousand dollars, said board of directors shall require an additional bond in the sum at least double the amount of the money in the hands of said treasurer in excess of said ten thousand dollars.

SEC. 4. On the second Tuesday of December following the organization of any district an election shall be held at which shall be elected three directors by the electors of the district at large. The terms of the office of directors shall be three years. The directors shall immediately after the first regular election, following such organization, be selected by lot so that one shall hold his office for the term of one year, one for the term of two years, and one for the term of three years, and an election shall be held in each district on the second Tuesday in December of each year thereafter, at which one director shall be elected for a term of three years or until his successor is elected and qualified. Such director must be a qualified elector and a resident of the division of the director whom he is to succeed in office: *Provided,* That in all districts heretofore organized under the provisions of "An act to provide for the organization and government of irrigation districts and to provide for the acquisition of water and other property and for the distribution of water thereby for irrigation purposes and for other and similar purposes, "Approved March 6, 1899, the board of directors of each of said districts shall at their regular meeting in October 1904, divide each district into three divisions as nearly equal in size as may be practicable and at the election to be held in 1905, one director shall be elected from each of said divisions by the district at large. At the first meeting of said board thereafter the three directors so elected

shall draw lots to determine which director shall hold office for one year, which for two years, which for three years, and thereafter directors shall be elected in said districts as in this act provided. Within ten days after receiving the certificates of election hereinafter provided for, said officer shall take and subscribe the official oath, and file the same in the office of the board of directors, and execute the bond hereinafter provided for. Each member of said board of directors shall execute an official bond in the sum of five thousand dollars, which said bonds shall be approved by the judge of the probate court of said county where such organization was effected, and shall be recorded in the office of the county recorder thereof and filed with the secretary of said board. All official bonds provided for in this act shall be in the form prescribed by law for the official bond of county officers.

SEC. 5. At least thirty days before any election held under the provisions of this act subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct of the time and place of holding the election and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places of each precinct. Prior to the time of posting the notices, the board must appoint for each precinct from the electors thereof three judges of election, who shall constitute a board of election for said precinct.

If the board shall fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may elect the board, or supply the place of the absent member thereof. The board of directors must, in its order appointing the board of election, designate the house or the place within the precinct where the election is to be held.

At the time of appointing such election board said board of directors shall appoint a registrar for each precinct of the district, except the precinct in which the office of the secretary of the board is located. In the precinct in which his office is located, or where there is but one voting precinct in the district, the secretary of the board of directors

of the district shall act as registrar. The registrars appointed under the provisions of this act shall be governed in the performance of their duties by the general election laws of the State as far as they are applicable; and must be at their places of registration, to receive applications for registration, from 9 o'clock a. m. to 9 o'clock p. m., on each of three Saturdays next preceding the date of election.

In additon to the usual elector's oath the following shall be added, "And I am a resident in, and holder of land within the boundaries of Irrigation District."

No regular or special election for any purpose shall be held in any irrigation district without such registration, and only those persons duly registered shall be allowed to vote thereat.

SEC. 6. The said judges shall elect a chairman of the board, who may:

First. Administer all oaths required in the progress of an election.

Second. Appoint judges and clerks, if during the progress of an election, any judge or clerk ceases to act.

Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of the election. The board of election of each precinct, must before opening the polls, appoint two clerks to act as clerks of election.

Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be open one hour after sunrise on the morning of election, and to be kept open until sunset, when the same must be closed. The provisions of the political code, and all acts amendatory and supplementary thereof concerning the form of ballots to be used, shall not apply to elections held under this act.

SEC. 7. Voting may commence as soon as the polls are open and may continue during all the time the polls remain open, and shall be conducted as nearly as practicable in accordance with the provisions of the act concerning "Election and Electors," approved February 25, 1891 and acts amendatory and supplementary thereof. As soon as the polls are closed the judges shall open the ballot box and shall commence counting the votes; and in no

case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the chairman of the board of election or one of the judges, who shall open them and read aloud the name of each person contained thereon, and the office for which every such person is voted for.

Each clerk shall write down each office to be filled, and the name of each person voted for such office, and shall keep the number of votes by tallies as they are read by such chairman or judge.

The counting of the votes shall continue without adjournment until all the votes shall have been counted.

SEC. 8. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each one voted for has received, and designating the office to fill which he was voted for, which number shall be written in words and figures at full length. Each certificate shall be signed by all the members of the board of election and by both clerks. One of said certificates, with the poll list and tally paper to which it is attached, shall be retained by the chairman of the board of election, and reserved by him for at least six months. The ballots shall be strung on a cord or thread by the said chairman, during the counting thereof, in the oredr in which they are entered upon the tally list by the clerks; and said ballots together with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the said chairman in the presence of the other said judges and clerks, and endorsed "election returns of (naming precinct) precinct, and be directed to the secretary of the board of directors, and shall be immediately delivered by said chairman or by other safe and responsible carrier designated by him, to said secretary, and the ballots shall be kept unopened for at least six months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns and demand a recount of the precinct that is claimed to have been incorrectly counted.

SEC. 9. No list, tally paper or certificate returned from

any election, shall be set aside or rejected for want of form if it can be satisfactorily understood.

The board of directors must meet at its usual place of meeting on the first Monday after each election to canvass the returns.

If, at the time of the meeting, the returns of each precinct in which polls have been opened have been received, the board of directors must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six postponements have been had. The canvass must be made in public and by opening the returns and counting the vote of the district for each person voted for and declaring the result thereof.

SEC. 10. The secretary of the board of directors must, as soon as the result is declared, enter on the records of such board a statement of such result, which statement must show:

First. The whole number of votes cast in the district and in each voting precinct thereof.

Second. The names of the person or persons voted for.

Third. The office to fill which each person was voted for.

Fourth. The number of votes given in each precinct to such person or persons.

Fifth. The number of votes given in the district for such person or persons.

The board of directors must declare elected the person or persons having the highest number of votes given for each office. The secretary must, immediately, make out and deliver to such person or persons a certificate of election signed by him and authenticated with the seal of the board. In case of a vacancy in the office of director the vacancy shall be filled by appointment by the board of county commissioners from the division in which the vacancy occurred. An officer appointed to fill a vacancy as above provided shall hold his office until the next regular election for said district, at which election a director shall be elected for the remainder of the unexpired term.

SEC. 11. On the first Tuesday in January next following their election the board of directors shall meet and organize as a board, elect a president from their number

and appoint a secretary and treasurer, who shall each hold office during the pleasure of the board. As soon as the proper surveys have been made to determine the cost of the works necessary for the irrigation of the lands of the district, the board of directors shall examine, critically, each tract or legal subdivision of land in said district with a view of determining the benefits which will accrue to each of such tracts or subdivisions from the construction or purchase of such irrigation works; and the cost of such works shall be apportioned or distributed over such tracts or subdivisions of land in proportion of such benefits accruing thereto; and the amount so apportioned or distributed to each of said tracts or subdivisions shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivisions in carrying out the purpose of this act. Such board of directors shall make, or cause to be made, a list of such apportionment, or distribution, which list shall contain a complete description of each subdivision or tract of land of such district with the amount and rate per acre of such apportionment or distribution of cost, and the name of the owner thereof; and shall prepare a map on a convenient scale showing each of said subdivisions and tracts with the rate per acre of such apportionment of such costs entered thereon. Said list and map shall be made in duplicate and one copy of each shall be filed in the office of the State Engineer at the time of filing estimates and plans in said office, and one copy of each shall remain in the office of said board of directors for public inspection along with maps, reports, and estimates as provided in section fifteen of this act: *Provided,* That the precedings of said board of directors in making such apportionment of cost and the said list of such apportionment shall be included with other features of the organization of such district which are subject to judicial examination and confirmation as provided in section sixteen, seventeen, eighteen, nineteen and twenty of this act. The board shall have the power, and it shall be their duty, to manage and conduct the business and affairs of the district; make and execute all necessary contracts; employ and appoint such agents, officers and employees as may be required and to prescribe their duties; establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of such

land as may be necessary and just to secure the just and proper distribution of the same.

Said by-laws, rules and regulations must be printed in convenient form for distribution throughout the district. Said board shall perform all such acts as shall be necessary to fully carry out the purposes of this act.

SEC. 12. The board of directors shall hold a regular monthly meeting in their office on the first Tuesday in every month, and such special meetings as may be required for the proper transaction of business: *Provided,* That all special meetings must be ordered by the president or a majority of the board, the order must be entered of record, and the secretary must give each member not joining in the order five days' notice of such special meetings. The order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business; but on all questions requiring a vote there shall be a concurrence of, at least, a majority of the members of the board. All records of the board shall be open to the inspection of any elector during business hours. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation work and the line of any canal or canals, and the necessary branches for the same, on any lands which may be deemed best for such location. Said board shall also have the right to acquire either by purchase, condemnation or other legal means, all lands and water rights, and other property necessary for the construction, use and supply, maintenance, repair and improvements of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used to their par value in payment.

Said board may also construct the necessary dams, reservoirs and works for the collection of water for said district; and do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all

water required for the irrigation of the lands of any district formed under the provisions of this act, together with the rights-of-ways for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this act, is hereby declared to be a public use, subject to regulation and control of the State, in the manner prescribed by law.

SEC. 13. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in such irrigation district, and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this act. And said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property a herein provided.

SEC. 14. The said board is hereby authorized and empowered to take conveyance or other assurances for all property acquired by it under the uses and provisions of this act, ifl the name of such irrigation district, to and for the purposes herein expreessed; and to institute and maintain any and all actions and proceeding, suits at law and in equity, necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges, and immunities created by this act, or acquired in pursuance thereof. And in all courts, actions, suits or proceedings the said board may sue, appear and defend, in person or by attorneys, and in the name of such irrigation district.

SEC. 15. For the purpose of constructing necessary irrigation canals and works, acquiring the necessary property and rights therefor and otherwise carrying out the provisions of this act, the board of directors of any such district must, as soon after such district has been organized as may be practicable, formulate a general plan for such construction and acquisition of such property, and shall cause such surveys examinations and plans to be made as shall demonstrate the practicability of such plan and furnish the proper basis for an estimate of the cost of carrying out said plan.

All such surveys, examinations, maps, plans and estimates, shall be made under the direction of an irrigation engineer of well known standing and competency, and all such necessary surveys, examinations, maps, plans and

estimates must be certified to by him. When all such are completed and the results in the hands of the said board of directors, said board shall submit a copy of said plan, together with the proper field notes of all such said surveys and examinations and all such said maps, plans and estimates, to the State Engineer for examination and report. As soon as possible and within ninety days from the date said field notes, maps, plans and estimates are submitted to him, the State Engineer shall make a written report upon the whole subject to the said board, which report shall include a discussion of the said plan submitted to him by said board, of the question of water supply, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint, of the probability of its being acquired and constructed within the estimate of the cost stated, and such general discussion and recommendations in regard to the engineering and financial features of the whole matter as in the judgment of the State Engineer may be desirable for the information of the people of said district. Said report shall be accompanied by a map when such is necessary for a proper explanation or understanding of the same. Upon receiving said report said board of directors shall proceed to determine the amount of money necessary to be raised and shall immediately thereafter call a special election, at which shall be submitted to the electors of said district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district, or the right to enter into an obligation with the United States in the manner hereinafter provided, in the amount as determined shall be authorized. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least thirty days, and also by the publication of such notice in some newspaper published in the district once a week for at least three successive weeks and in case no paper is published in the district then in a paper published in each county in which the district is located.

Such notices must specify the time of holding the election, the amount of bonds proposed to be issued, and shall state that maps and estimates and said report of the State Engineer are on file and open to public inspection by the

people of the district, at the office of said board, and at the office of the State Engineer at the State Capitol. Said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: *Provided*, That no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds—Yes" or "Bonds—No" or words equivalent thereto. If two-thirds of the votes cast are "Bonds—Yes" the board of directors shall cause bonds in said amount to be issued; if more than one-third of the votes cast at any bond election are "Bonds—No" the result of such election shall be so declared and entered of record. And whenever thereafter said board in its judgment deems it for the best interest of the district that the question of the issuance of bonds in said amount, or any other amount shall be submitted to the electors, it shall so declare of record in its minutes, and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. The bonds authorized by any vote shall be designated as a series and the series shall be numbered consecutively as authorized. The portion of the bonds of a series negotiated at any time according to the provisions hereof shall be designated as an issue and each issue shall be numbered in its order. Every issue of said bonds shall be payable in money of the United States as follows to-wit: At the expiration of eleven years from each issue, five per cent of the whole number of bonds of such issue; at the expiration of twelve years, six per cent; at the expiration of thirteen years seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fiften years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent; and shall bear interest at a rate not to exceed seven per cent. per annum, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds

shall be each of the denomination of not less than fifty dollars nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary and the seal of the board of directors shall be affixed thereto. The bonds of each issue shall be numbered consecutively, and bear date at the same time of their issue. Coupons for the interest shall be attached to each bond, signed by the secretary. Said bonds shall express on their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of the issue of which such bonds are a part. The secretary and treasurer shall each keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser.

In case the money raised by the sale of all the bonds be insufficient for the completion of the plans and works adopted and additional bonds be not voted, it shall be the duty of the board of directors to provide for the completion of said plan by levy of assessment therefor: *Provided,* The board of directors of said irrigation district shall commence a special proceeding, in and by which the proceedings of said board and of said district providing for and authorizing the issue and sale of bonds of said district, whether said bonds or any of them have or have not been sold, may be judicially examined, approved and confirmed: *Provided,* That after such authorization of indebtedness shall have been made by the voters of said irrigation district, said authorization being evidenced by such bond election, the board of directors may, instead of issuing bonds in the manner provided in this Act, enter into an obligation or contract with the United States for the construction of the necessary works under the provisions of an act of Congress entitled "An Act appropriating the receipts from the sale disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands" approved January 17, 1902, and the rules and regulations thereunder; or the board of directors may issue bonds for a portion of the amount of indebtedness authorized by such bond election and enter into an obligation or contract with the United States to the extent of the remainder of such amount.

Whenever any amount of money shall have been advanced by the United States for the construction of irrigation works contemplated under the provisions of this act by the authority of said act of Congress, the taxing powers of the district, as provided in this act, shall be used to repay into the Treasury of the United States the amount of money so advanced in the manner contemplated in this act and as may be provided in such contract between the directors of said district and the United States; and such levies and assessments shall be made each year under the authority of the district as will return to the Treasury of the United States the amount or proportion of such money advanced as may have been agreed to in such contract. The works constructed under the provisions of such contract with the United States shall be controlled and administered by the district in accordance with the provisions of said act of Congress and the regulations thereunder.

SEC. 16 The board of directors of the irrigation district shall file in the district court of the county in which the lands of the district or some portion thereof are situated, a petition, praying in effect that the proceedings aforesaid may be examined, and approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the sale and issue of said bonds, and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district or the election of the first board of directors.

SEC. 17. The court or judge shall fix the time for hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner, and for the same length of time that the notice of a special election provided for by said Act, to determine whether the bonds of said district shall be issued, is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds, may, on or before the day fixed for the hearing of said petition, de-

mur to or answer said petition. The petition may be referred to and described in said notice of the petition of the board of directors of ..... irrigation district (giving its name) praying that the proceedings for the issue and sale of the bonds of said district may be examined, approved and confirmed by said court.

SEC. 18. Any person interested in said district, or in the issue or sale of said bonds, may demur to or answer said petition. The provisions of the Code of Civil Procedure respecting the demurrer and the answer to a verified complaint shall be applicable to a demurrer and answer to said petition. The person so demurring to or answering said petition shall be the defendants to said special proceedings, and the board of directors shall be paintiff. Every material statement of the petition not specifically controverted by answer must for the purpose of said special proceedings be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the Code of Civil Procedure, which are not inconsistent with the provisions of this act, are applicable to the special proceedings herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issues to be reexamined on such new trial and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

SEC. 19. Upon the hearing of such special proceeding, the court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm each and all of the proceedings for the organization of the said district under the provisions of the said act, from and including the petition for the organization of the district, and all other proceedings which may affect the legality or validity of said bonds, and the order for the sale and the sale thereof.

The court inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity, or omission which does not affect the substantial rights of the parties to said special proceedings; and it may approve and confirm such proceedings in part,

and disapprove and declare illegal or invalid other and subsequent parts of the proceedings.

The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this act prescribed. The costs of the special proceedings may be allowed and apportioned between all the parties, in the discretion of the court.

SEC. 20. An appeal from an order granting or refusing a new trial, or from the judgments, must be taken by the party aggrieved within thirty days after the entry of said order or said judgment.

SEC. 21. The board may sell said bonds from time to time, in such quantities as may be necessary and most advantageous, to raise money for the construction of said canals and works, the acquisition of said property and rights and otherwise to fully carry out the objects and purposes of this act. Before making any sale the board shall, at a meeting by resolution, declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolutions to be entered on the minutes, and notice of sale to be given by publication thereof at least thirty days in three newspapers published in the State of Idaho, one of which shall be a newspaper published in the county in which the office of the board of directors is situated, if there be a newspaper published in said county, and in other newspapers at their discretion. That notice shall state that sealed proposals will be received by the board at their office for the purchase of the bonds until the day and hour named in the resolution.

At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, or may reject all bids; but in case no bids are received at the time stated in the advertisement it shall not be again necessary to advertise the sale of the same bonds, but they may be sold at any time until cancelled: *Provided*, Said board shall in no event sell any of the said bonds for less than par or face value thereof and accrued interest. If, for any reason; the duly authorized bonds of a district can not be sold, or, if at any time it shall be deemed for the best interests of the district to withdraw from sale all or any portion of an authorized

bond issue, the board of directors may, in their discretion, cancel the same and they may levy assessments to the amount of the bonds cancelled: *Provided*, That the revenue derived from said assessments must be employed for the same purpose as was contemplated by the bond authorization; but no levy shall be made to pay for work or material, payment for which was contemplated by bonds which have been authorized, until bonds to the amount of said assessment have been cancelled.

Assessments made in lieu of bonds cancelled shall be collected in the same manner and shall have the same force and effect as assessments levied under any provision of this act: *Provided*, That such assessment shall not during any one year exceed ten per cent. of the total bond issue authorized by such district, unless a greater assessment shall be authorized by a majority vote of the qualified electors of the district voting at a special election called for that purpose, said special election to be held in the manner provided in section forty of this act.

SEC. 22. Said bonds and the interest thereon shall be paid by revenue derived from the annual assessment upon the land in the district; and all the land in the district shall be and remain liable to be assessed for such payments on the basis determined in the manner provided in section eleven of this act.

SEC. 23. The secretary of the board of directors shall be the assessor of the district, and on or before August 15th of each year shall prepare an assessment book containing a full and accurate list and description of all the land of the district, and a list of the persons who own, claim, have possession or control thereof during said year, giving the number of acres listed to each person. If the name of the person owning, claiming, possessing or controlling any tract of said land is not known, it shall be listed to "unknown owners."

SEC. 24. On or before the first Monday in September of each year, the secretary of the board must give notice of the time the board of directors will meet to correct assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty nor more than thirty days from the first publication of the notice; and in the meantime the assessment book must re-

main in the office of the secretary for the inspection of all persons interested.

SEC. 25. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of correction for that purpose, shall meet and continue in session from day to day, as long as may be necessary, not to exceed five days, exclusive of holidays, and may make such changes in said assessment book as may be necessary to make it conform to the facts. Within five days after the close of said session, the secretary of the board shall have the corrected assessment book complete.

SEC. 26. At its regular meeting in October the board of directors shall levy an assessment, upon the basis as determined in the manner provided in section eleven of this act, sufficient to raise the annual interest on the outstanding bonds, and at the expiration of ten days after the issuing of said bonds of any issue, must increase said assessment to an amount sufficient to raise a sum sufficient to pay the principal of the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums, in dollars and cents, to be paid as an assessment on the property therein enumerated.

When collected, the assessment shall be paid into the district treasury, and shall constitute a special fund, to be called "Bond Fund of — Irrigation District."

In case any assessment should be made for the purpose contemplated by a bond authorization as provided in section twenty-one hereof, said assessment shall be levied upon the basis as determined in manner provided in section eleven of this act, and entered by the secretary of the board in a separate column of the assessment book in the same manner as the bond fund; and when collected the assessment shall be paid into the district treasury and constitute a special fund to be known as the "Construction Fund of ——— Irrigation District."

SEC. 27. The assessment is a lien against the property assessed from and after the first Monday in March of any year (and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue), and such lien is not removed until the assessments are paid, or the property sold for the payment thereof.

SEC. 28. On or before the first day of November the secretary must deliver the assessment book to the treasurer of the district; who shall within ten days publish a notice in a newsepaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at six o'clock p. m. on the first Monday of January next thereafter, and also the times and places at which the payment of assessments may be made, which notice shall be published for the period of two weeks. The treasurer must attend at the times and places specified in the notice, to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid with a description of the property assessed. On the first Monday of January at six o'clock p. m. of each year, all unpaid assessments for the preceding year are delinquent.

SEC. 29. On or before the second Monday of January in each year, said treasurer shall prepare a delinquent list, containing a description of all tracts of land upon which the assessments are delinquent and the amount of assessment against each such tract and the name or names of the person or persons as shown on the assessment book as being the owner or owners thereof and shall properly certify thereto and shall deliver one of said duplicate lists to the secretary of the district. Thereafter the said treasurer shall collect the delinquent assessments with the same penalties added as are provided for delinquent county and State taxes.

SEC. 30. On or before the second Monday in May, the said treasurer must publish the delinquent list, which must contain the names of the persons and a description of the property delinquent at that time, and the amount of assessment and penalties and the costs due opposite each name and description. After said publication shall have been made for the first time, the treasurer shall collect twenty-five cents additional to the assessments and penalties on each description of land published. The treasurer must append and publish with the delinquent list a notice that unless the assessments delinquent together

with penalties and costs are paid, the real property upon which said assessments are made will be sold at public auction, at a time and place therein specified. The publication must be made in some newspaper published in said district, if it can be so published, and if it can not be so published, then in some newspaper published in the county in which the office of the directors is situated; and if it cannot be so published, then by posting in not less than three public places in said district, one of which shall be at the door of the office of said board.

The time of said sale shall be fixed for the last Monday in June, and the place shall be at the office of said board of directors. The treasurer as soon as he has made the publication required must file with the secretary a copy of the publication with his affidavit attached thereto that it is a true copy of the same; that the publication was made in a newspaper, stating its name, and the place of publication and the dates of each appearance; and in case the notice was posted as herein required, that notices were posted in three public places in said district, designating the places. The treasurer must attend at the time and place specified in the notice, and conduct the sale. The sale shall be conducted in all respects in the manner provided for the sale of property for delinquent county and State taxes, and may be postponed in the same manner, and the district shall become the purchaser of the property in the cases when the county would have become the purchaser of property at sales for delinquent county and State taxes.

The treasurer must retain in his office a list of the property sold, stating name of owner as appears by assessment roll, amount for which sold and date of sale, and file a duplicate list with the recorder of the county in which the land is situated. The treasurer shall execute a duplicate certificate of sale, which shall contain the statements as required in certificates of sale in sales of county and State delinquent taxes, one of which shall be delivered to the purchaser and the other shall be filed by the treasurer in the office of the county recorder of the county in which the land is situated. When the district is the purchaser the duplicate certificate shall be filed with the secretary. Any irrigation district as a purchaser of any land at any such delinquent tax sale, shall be entitled to the same

rights as a private purchaser, and the title so acquired by the district, subject to the rights of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and the secretary of the board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes.

SEC. 31. Redemption can be made at any time within one year from the date of the sale. Redemption may be made by paying to the treasurer the amount for which the property was sold, together with ten per cent. penalty and one per cent. per month thereon. The treasurer shall thereupon deliver to the person redeeming a certificate of redemption, stating the description of the land sold, the name of the owner as it appeared on the assessment roll, and the amount paid on such redemption, and shall note the redemption on his list of sales. When such certificate of redemption shall be presented to the county recorder where the land is situated, he shall mark the property as redeemed in his record of such sales.

The treasurer must pay the amount received on such redemption to the person holding the certificate of sale, upon presentation thereof, with satisfactory proof of ownership. When the district is purchaser, it may assign any certificate of sale to any person, within one year after the sale, upon receipt of the amount for which the property was sold to the district, with interest from the date of sale. If no redemption be made within a year after said sale, the treasurer shall upon request execute a deed to the holder of the certificate, which deed shall recite and contain the matters required in deeds for property sold for county and State taxes, and when so executed and delivered, shall have the same effect.

SEC. 32. Upon the presentation of the coupons due to the treasurer, he shall pay the same from the bond fund.

Whenever, after ten years from the issuance of said bonds, said fund shall amount to the sum of ten thousand dollars, the board of directors may direct the treasurer to pay such an amount of said bonds not due as the money in said fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some newspaper published in the county, and in other newspapers which said board may deem

advisable, for sealed proposals for the redemption of said bonds.

Said proposals shall be opened by the board in open meeting, at a time to be named in the notice, and the lowest bid for said bonds must be accepted: *Provided,* That no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of said bonds shall desire to have the same redeemed, as herein provided for, said money shall be invested by the treasurer under the direction of the board, in United States bonds or the bonds or warrants of the State, or municipal or school bonds, which shall be kept in said bond fund and may be used to redeem said district bonds whenever the holders thereof may desire.

SEC. 33. After adopting a plan for said canal or canals, storage reservoirs, and works, the board of directors shall give notice, by publication thereof not less than thirty days in one newspaper published in each of the counties comprising the district: (*Provided,* A newspaper is published therein) and in such other newspaper as they may deem advisable, calling for bids for the construction of such work, or any portion thereof; if less than the whole work is advertised, then the portion so advertised must be particularly described in such notice. Said notice shall set forth that plans and specifications can be seen at the office of the board, and that the board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening said proposals, which, at the time and place appointed, shall be opened in public; and as soon as convenient thereafter the board shall let said work, either in portions or as a whole, to the lowest responsible bidder; or they may reject any and all bids and re-advertise for proposals.

Contracts for the purchase of the material shall be awarded to the lowest responsible bidder. Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for twenty-five per cent. of the amount of the contract price, conditioned upon the faithful performance of said contract. The work shall be done under the direction and

to the satisfaction of the engineer employed by the district, and approved by the board: *Provided,* That no contract of any kind shall be let by said board of directors unless there is sufficient money in the district treasury at the time such contract is let and available for such payment, to fully pay for the work or material so contracted for.

SEC. 34. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president, and countersigned by the secretary.

SEC. 35. The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund. For the purpose of defraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portion of said canal and works as are completed and in use, including salaries of officers and employees, the board may either fix rates of tolls and charges, and collect the same from all persons using said canal for irrigating and other purposes, or they may provide for the payment of said expenditures by a levy of assessments therefor or by both said tolls and assessments; if by the latter method, such levy shall be made on the completion and correction of the assessment roll. The procedure for the levying, and for the collection of the assessment by such levy shall in all respects conform to the provisions of this act relating to the payment of principal and interest of bonds herein provided for. All assessments and toll charges of every kind shall be listed, carried out and entered in proper books by the secretary, and all collections shall be made by the treasurer. Whenever an assessment book or a toll book shall be delivered to the treasurer the secretary shall charge the treasurer with the total amount of the various funds as carried out by the secretary in said books. On the second Monday of January of each year the treasurer shall settle with the secretary for all assessments by delivering to the secretary a duplicate delinquent list as herein provided for, and accounting for all sums not shown on said delinquent list. The treasurer shall make such settlements for toll charges at such times as may be ordered by the board of directors. At the time of delivering the delinquent list to the secretary, such secretary

shall charge the treasurer with the amount thereof, together with the penalties added, and upon receiving the affidavit of publication thereof as herein provided, he shall charge the treasurer with twenty-five cents additional for each description published. On the first Monday after the sale, the treasurer shall make final settlement for assessments by receiving credit for the property sold to the district and accounting for all of the balance.

SEC. 36. The board of directors shall have power to construct the said works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which route of said canal or canals may intersect or cross, in such a manner as to afford security for life and property; but said board shall restore the same when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by said work shall unite with said board in forming said intersections and crossings and grant the privileges aforesaid; and if such railroad company and said board, or the owners and controllers of said property, thing or franchise to be crossed, cannot agree upon the amount to be paid therefor, or upon the points or the manner of said crossings or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to the taking of land. The right of way is hereby given, dedicated, and set apart, to locate, construct and maintain said works over and through any of the lands which are now or may be the property of the State.

SEC. 37. At least as often as once a year after the organization the board of directors shall make a report to the State Engineer of the condition of the work of construction as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this act is being successfully carried out, and whether or not in the opinion of the board the funds available will complete the proposed works. Upon the receipt of such report by the State Enugineer, he shall make such suggestions and recommendations to such board of directors as he may deem it advisable for the best interest of the district.

SEC. 38. The members of the board of directors shall

each receive not more than three dollars per day for each day spent attending the meetings, or while engaged in official business under the order of the board. The board shall fix the compensation to be paid to the other officers named in this act to be paid out of the treasury of the district: *Provided,* That said board shall, upon the petition of fifty, or a majority of the freeholders within such district, submit to the electors at any general election, a schedule of salaries and fees to be paid hereunder. Such petition must be presented to the board twenty days prior to a general election, and the result of such election shall be determined and declared in all respects as other elections are determined and declared under this act.

SEC. 39. No director or any other officer named in this act shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail, not to exceed six months, or by both such fine and imprisonment.

SEC. 40. The board of directors may, at any time, when in their judgment it may be advisable, call a special election, and submit, to the qualified electors of the district the question, whether or not a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes provided in this act.

Such election must be called upon the notice prescribed, and the same shall be held, and the result thereof determined and declared in all respects in conformity with the provisions of section fifteen of this act. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such elections, the ballots shall contain the words "Assessment—Yes" or "Assessment—No." If two-thirds or more of the votes cast are "Assessment—Yes," the board shall immediately levy an assessment, sufficient to raise the amount voted. The assessment so levied shall be computed and entered on the assessment roll by the secretary of the board and collected at once, and in the same manner as other assessments provided for herein; and when

collected, shall be paid into the district treasury for the purposes specified in the notice of such special election.

SEC. 41. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this act; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void (except for the purpose of organization or for any of the purposes of this act, the board of directors may before the collection of the first assessment, incur an indebtedness not exceeding in the aggregate, the sum of two thousand dollars, and may cause warrants of the district to issue therefor, bearing interest at seven per cent. per annum.)

SEC. 42. Navigation shall never in any wise be impaired by the operation of this act, nor shall any vested interest in or to any mining water rights or ditches or in or to any water or water rights, or reservoirs or dams now used by the owners or possessors thereof in connection with any mining industry, or by persons purchasing or renting the use thereof, or in or to any other property now used, directly or indirectly in carrying on or promoting the mining industry, ever to be affected by or taken under its provisions, save and except that rights of way may be acquired over the same.

SEC. 43. None of the provisions of this act shall be construed as repealing or in anywise modifying the provisions of any other act relating to the subject of irrigation or water distribution, except as provided in section sixty-one (61) of this act. Nothing herein contained shall be deemed to authorize any person or persons to divert the waters of any river, creek, stream, canal or ditch from its channel, to the detriment of any person or persons having any interest in such river creek, stream, canal or ditch, or the water therein, unless previous compensation be ascertained and paid therefor, under the laws of the State authorizing the taking of private property for public uses.

SEC. 44. The holder or holders of any title, or evidence of title, representing one-half or more of any body of lands adjacent to the boundary of an irrigation district, which are contiguous and which, taken together, constitute one tract of land, may file with the board of directors of said

district, a petition in writing, praying that the boundaries of said district may be so changed as to include therein said lands.

The petition shall describe the boundaries of said tract or parcel of land, shall also describe the boundaries of the several parcels owned by the petitioners, if the petitioners be the owners, respectively, of distinct parcels, but such description need not be more particular than they are required to be when such lands are entered by the county assessor in the assessment book. Such petition must contain the assent of the petitioners to the inclusion within said district of the parcels or tracts of land described in the petition, and of which said petition alleges they are, respectively, the owners, and it must be acknowledged in the same manner that conveyances of land are required to be acknowledged.

SEC. 45. The secretary of the board of directors must cause a notice of the filing of such petition to be given and published in the same manner and for the same time that notices of special elections, for the issue of bonds are required by said act to be published.

The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in the said petition, and the prayer of said petition and it shall notify all persons interested in or that may be affected by such change of boundaries of the district, to appear at the office of said board, at a time named in said notice, and show cause in writing, if any they have, why the change in the boundaries of said district as proposed in said petition, shall not be made.

The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this act.

SEC. 46. The board of directors, at the time and place mentioned in said notice or at such other time or times to which the hearing of said petition may be adjourned, shall proceed to hear the petition and all the objections thereto presented in writing by any person, showing cause, as aforesaid, why said proposed change of the boundaries of the district should not be made. The failure by any per-

son interested in said district or in the matter of the proposed change of its boundaries, to show cause in writing as aforesaid, shall be deemed and taken as an assent on his part to a change of the boundaries of the district as prayed for in said petition, or to such a change thereof as will include a part of said lands. And the filing of such a petition with said board as aforesaid, shall be deemed and taken as an assent on the part of each and all petitioners to such a change of said boundaries, that they may include the whole or any portion of the lands described in said petition.

SEC. 47. The board of directors to whom such petition is presented may require, as a condition precedent to the granting of the same that the petitioners shall severally pay to such district such respective sums, as nearly as the same can be estimated (the several amounts to be determined by the board), as said petitioners or their grantors would have been required to pay to such district as assessments had such lands been included in such district, at the time the same was originally formed.

SEC. 48. The board of directors if they deem it not for the best interest of the district that a change of boundaries be so made as to include therein the lands mentioned in the petition, shall order that the petition be rejected. But if they deem it for the best interest of the district that the boundaries of said district be changed and if no person interested in said district or the proposed change of its boundaries show cause, in writing, why the proposed change be not made, or if having shown cause, withdraws the same, the board may order that the boundaries of the district be so changed as to include therein the lands mentioned in said petition or some part thereof. The order shall describe the boundaries as changed, and for that purpose the board may cause a survey to be made of such portions of such boundary as is deemed necessary.

SEC. 49. If any person interested in said district, or the proposed change of its boundaries, shall show cause as aforesaid why such boundaries should not be changed, and shall not withdraw the same, and if the board of directors deem it for the best interests of the district that the boundaries thereof be so changed as to include therein the lands mentioned in the petition, or some part thereof, the board shall adopt a resolution to that effect. The res-

olution shall describe the exterior boundaries of the lands which the board are of the opinion should be included within the boundaries of the district when changed.

SEC. 50 Upon the adoption of the resolution mentioned in the last preceding section, the board shall order that an election be held within said district to determine whether the boundaries of the district shall be changed as mentioned in said resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published. Such notice shall be given and published, and such election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted in the manners prescribed by said act in case of a special election to determine whether bonds of an irrigation district shall be issued.

The ballots cast at said election shall contain the words "For change of boundary", or "Against change or boundary", or words equivalent thereto. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can be readily traced.

SEC. 51. If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in the matter. But if a majority of such votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries be changed in accordance with said resolution adopted by the board. The order shall describe the boundaries as changed, and for that purpose the board may cause a survey of such portion thereof to be made as the board may deem necessary.

SEC 52. Upon a change of the boundaries of a district being made a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district and thereupon the district shall be and remain an irrigation district, as fully, and to every intent and purpose, as if the land which are included in the district by the change of the boundaries, as aforesaid,

had been included therein at the original organization of the district.

SEC. 53. Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary of the board shall record in the minutes of the board, the petition aforesaid and the said minutes, or a certified copy thereof, shall be admissible in evidence, with the same effect as the petition.

SEC. 54. A guardian, executor, or an administrator of an estate who is appointed as such under the laws of this State and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this act mentioned, why the boundaries of the district should not be changed.

SEC. 55. In case of the inclusion of any land within any district by the proceedings under this act, the board of directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three divisions as nearly equal in size as may be practicable, which shall be numbered first, second, and third, and one director shall thereafter be elected for each division by the district as hereinbefore provided. For purposes of elections, the board of directors must establish a convenient number of election precincts in said districts; and define the boundaries thereof, which said precincts may be changed from time to time as the board may deem necessary.

SEC. 56. Whenever the boards of directors of any two or more irrigation districts which are contiguous, deem it for the best interest of their respective districts that the same be consolidated into a single district such boards of directors may petition the board of county commissioners for an order for an election, to vote upon the question of such consolidation, which petition shall state in detail the terms upon which such consolidation is proposed to be made. Upon receiving such petitions said board of county commissioners shall request the State Engineer to investigate the conditions of such districts and all questions affecting such proposed consolidation and he shall make a report of the result of such investigations to the board

of county commissioners not more than ninety days after such request is received. At the time said report upon the matter is made, said board of county commissioners, if deemed advisable, shall make an order fixing the time for an election in the said districts to vote upon the question of such proposed consolidation, which time shall not be less than thirty nor more than sixty days after the date of said report. Notice of said election shall be published as required for notice of election in section 2, of this act: and the said boards of directors shall make all necessary arrangements for such election in their respective districts as provided in this act for other elections.

The ballot shall be substantially as follows. "Consolidation Yes", "Consolidation—No". The said board of directors shall canvass the returns of such election as provided in case of usual district elections, and shall immediately thereafter transmit by messenger or registered mail, certified abstracts of the result of said election in their respective districts to the clerk of the board of county commissioners. Within ten days after such returns are received by said clerk the said board of county commissioners shall meet and canvass the same. If it appears that a majority of all the votes cast in each of said districts is "Consolidation—Yes". Said board shall make an order, and enter the same of record in its minutes, establishing said consolidated district, giving its boundaries and designation, and in detail, the terms under which the consolidation has been effected, and dividing said consolidated district into three divsions, and shall appoint some person qualified under this act, to act as director for each of said divisions of said district until the next general election for the election of officers, when a board of directors shall be elected as provided in section 4 of this act: *Provided, however*, That the organization of such district shall not take effect until the first Tuesday of the January following said order of its establishment.

If the date provided by law for the election of directors shall come between the date of said order of the board of county commissioners and said first Tuesday of January, then in making such order said board shall designate the board of directors of one of the consolidated districts as a board to take charge of said election, and a director shall in that case be elected for each said division of said

consolidated district, and in that case no appointment of directors shall be made by said board of county commissioners. If, however, upon such canvass by said board of county commissioners it appears that a majority of the votes cast in any district thus proposed to be consolidated is "Consolidation—No", then a record of that fact shall be entered in the same minutes of said board of county commissioners and all the proceedings had under this section shall be void.

SEC. 57. On or before the first Tuesday of February of each year the board of directors of each irrigation district organized under this act, shall publish in at least one issue of some newspaper published in the county or counties in which such district is situated a full, true, and correct statement of the financial condition of said district on the first Monday of the preceding January, giving a statement of all liabilities and assets of the district on such first Monday of January.

SEC. 58. Any board of directors of any such irrigation district or the secretary thereof, shall allow at any time any member of the board of county commissioners, when acting under the order of such board, to have access to all books, records and vouchers of the district which are in possession or control of said board of directors or said secretary of said board.

SEC. 59. Whenever any lands belonging to the State are included within any legally organized irrigation district in this State, it shall be the duty of the State Land Board to ascertain the amount of taxes due upon such lands, and assessed against them from year to year, and to pay said taxes.

The amount of taxes so paid shall be charged by the State Land Board against the respective lands, and together with six per cent. interest per annum, shall be added to the selling price of such lands whenever the same are sold: *Provided*, The assessments so levied shall not be for the operation expenses of such irrigation system.

SEC. 60. All irrigation districts heretofore organized under any of the laws of this State shall hereafter be governed in all respects by the provisions of this act.

SEC. 61. An act entitled "An act to provide for the organization and government of irrigation districts and to provide for the acquisition of water and other property,

and for the distribution of water thereby for irrigation purposes and for other similar purposes, "Approved March 6, 1899, and all other acts or parts of acts amendatory thereto be and the same are hereby repealed.

SEC. 62. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 9th day of March, 1903.

HOUSE BILL NO. 117.

AN ACT

TO PROVIDE FOR THE ENCOURAGEMENT OF THE MANUFACTURE OF BEET SUGAR WITHIN THE STATE OF IDAHO AND TO PROVIDE A BOUNTY FOR THE MANUFACTURE OF THE SAME, AND PRESCRIBING THE MANNER OF PAYMENT OF SAID BOUNTY, AND PROVIDING APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That there shall be paid out of the State Treasury to any corporation, firm or person engaged in the manufacture of sugar in this State from beets grown in Idaho, a bounty of one cent per pound upon each and every pound of sugar so manufactured in the year A. D. 1903, and one half cent per pound upon each and every pound of sugar so manufactured in the year A. D. 1904, under the conditions of this act.

SEC. 2. No bounty shall be paid on sugar not containing at least ninety (90) per cent of crystallized sugar. The quality and quantity of sugar upon which bounty is claimed shall be determined by the State Board of Examiners, with whom all claimants shall from time to time file sworn statements showing the quantity and quality of sugar manufactured by them and upon which bounty is claimed. The said parties shall also furnish to the State Board of Examiners any further evidence which may be required upon its part in order to satisfy said board as to the amount and quality of sugar so manufactured so that it may be fully satisfied thereon.

The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the board or person by it designated, with a suitable brand, showing the quantity and quality of sugar contained in each of said packages of which an accu-

rate account shall be kept and filed in the office of the Secretary of State.

SEC. 3 When any claim arising under this act is filed, verified and approved by the State Board of Examiners as herein provided, said board shall certify the same to the Auditor of State, who shall draw a warrant upon the State Treasurer for the amount due thereon, payable to the party or parties to whom said sum is due.

SEC. 4. The statement upon the part of the claimant shall disclose, among other things, the quality and quantity of the sugar manufactured and that the same was manufactured from beets raised within the State of Idaho and manufactured within the State of Idaho.

SEC 5. That there is hereby appropriated the sum, sufficient to meet the requirements of this act, from any moneys in the State Treasury not otherwise appropriated.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 118.

AN ACT

TO PROVIDE FOR THE ELECTION AND APPOINTMENT OF OFFICERS AND TO PROVIDE FOR THE ELECTION AND COMPENSATION OF POLICE JUDGES IN CITIES OF THE SECOND CLASS. AMENDING SECTIONS 6 AND 8 OF "AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES," APPROVED FEBRUARY 10TH, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Sections 6 and 8 of an act entitled "An act to provide for the organization, government and powers of cities and villages" approved on the 10th day of February, 1899, are amended to read as follows:—

Section 6. At the time of holding general city election in each year, there shall be elected a mayor, a clerk, a treasurer, a city engineer, and the councilmen hereinbefore provided for, and a police judge shall be elected at each biennial city election and the mayor with the consent of the council may appoint a city attorney and an overseer of streets, who shall hold their offices for one year unless sooner removed by the mayor with the advice and consent of the council. The mayor by and with the consent of the council shall appoint such a number of regular policemen as may be necessary, and may also appoint special policemen from time to time as exegencies

arise. All police officers appointed by the mayor and council in accordance herewith, shall be removable at any time by the mayor: "*Provided,* The council may provide by ordinance that the city clerk shall be ex-officio police judge."

Section 8. The police judge shall receive the same fees as justices of the peace for similar services. But if the council shall provide by ordinance that the city clerk shall be ex-officio police judge, he shall pay over to the city treasurer all fees to which he shall be entitled from the trial of cases arising under city ordinances within thirty days after their receipt.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed, and whereas an emergency exists therefor this act shall be in force and effect from and after its passage.

Approved on the 10th day of March, 1903.

HOUSE BILL NO. 119.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A STATE FISH AND GAME WARDEN AND DEPUTY WARDENS; DEFINING THEIR DUTIES AND FIXING THEIR SALARIES; PROVIDING A SYSTEM OF LICENSES FOR FISHING AND HUNTING AND DEFINING THE DUTIES OF CERTAIN OFFICERS IN RELATION THERETO. AND TO PROVIDE FOR THE PRESERVATION AND PROTECTION OF FISH AND GAME, FOR THE PROTECTION OF THE FORESTS FROM FIRES AND OTHERWISE PRESERVING FISH ANDGAME FROM DESTRUCTION, AND PROVIDING THE PENALTY FOR THE VIOLATION OF THIS ACT, TO REPEAL THE LAW PROVIDING FOR PRIVATE GAME AND FISH PARKS, APPROVED MARCH 15, 1899, AND TO APPROPRIATE MONEY FOR THE COMPENSATION AND EXPENSES OF THE STATE GAME WARDEN AND FOR THE COMPENSATION OF DEPUTIES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Governor shall appoint a suitable person to serve as State Fish and Game Warden, whose duty it shall be to protect the fish and game of this State, and to enforce the laws relating thereto. The State Fish and Game Warden shall hold his office for a term of two years and until his successor is appointed and qualified.

Before entering upon the duties of his office the State Fish and Game Warden shall execute a bond to the State of Idaho in the penal sum of one thousand dollars, condi-

tioned for the faithful performance of his duties, and his bond shall be approved by the Governor.

The Governor shall have power at any time to remove the State Fish and Game Warden for misconduct or neglect of his duties, and the Governor shall be the exclusive judge of misconduct or neglect of duties and shall upon such removal appoint a successor. The State Game Warden is hereby authorized to arrest without warrant, any person or persons found violating any of the provisions of the fish and game laws, when detected in the act, or found with fish or game in their possession, at the time of their arrest.

The State Fish and Game Warden shall be an active executive officer, and shall at all time when possible, take the field in person in the performance of his duties. During the open season for the hunting and killing of large game of this State, he shall personally supervise the protection of said large game and the detection and punishment of violators of the game and fish laws.

SEC. 2. The State Fish and Game Warden shall have power to appoint such deputies as are necessary, in the various counties of this State to properly enforce the laws; and he is hereby authorized and directed to appoint one or more deputies, as the emergency may demand, in any county of this State, wherever he shall receive from such county, a petition signed by ten or more resident taxpayers, asking for the appointment of such Deputy Game Warden. Such deputy game wardens shall execute a bond to the State of Idaho in the penal sum of five hundred dollars, conditioned for the faithful performance of their duties, and they shall have the same power to make arrests as the State Game and Fish Warden. Their commissions may be revoked at any time by the State Fish and Game Warden. The State Fish and Game Warden shall file with the Governor a list of all deputy game wardens appointed by him.

SEC. 3. It shall be unlawful for any person or persons to wantonly waste or destroy the fish or game of this State or to take, kill, capture or destroy any of the game animals or birds in excess of the number hereinafter provided, at any time of the year. Any person, association or corporation may establish, maintain or own a private park,

lake or stream for fish or game or both, on premises owned by him or it respectively, and to that end may employ means to preserve and propagate such fish and game, and it shall be a misdemeanor to trespass thereon: *Provided,* That no private park shall be established under the provisions of this act so as to contain any lands or water where wild game or food fishes naturally abound, and shall not be construed so as to permit any person or persons to barter or sell at any time of the year any fishes not the original product of the water contained in said park.

SEC. 4. It shall be unlawful for any person or persons to catch or kill any species of fish, except salmon, sturgeon, carp, mullet, sucker, white fish or charr, in any of the streams, rivers, lakes, reservoirs or waters with any seine, net or spear, webi, fence, basket trap, gill net or any other contrivance: *Provided however,* That it shall be lawful to catch trout, grayling, bass and sunfish with the hook and line attached to a pole or held in the hand, except from the first day of November to the first day of April of each year. But it shall be unlawful for any person or persons to sell or offer for sale any species of fish protected by this act, at any time of the year.

It shall be unlawful for any person to catch more than twenty pounds of trout, bass, cat-fish, grayling or sun fish in any one day.

SEC. 5. It shall be unlawful to kill or destroy or have in possession for any purpose, at any time of the year, any trout or black bass less than four inches in length, and the possession of any such fish shall be a misdemeanor. It is unlawful for any person or persons to stretch a line or lines in or across any of the waters of this State and attach thereto hooks commonly known as "snag hooks." The intention hereby being to prohibit what is known as "snag hook fishing."

SEC. 6. It shall be unlawful for the owner or owners of any sawmill, reduction works, smelters, refining or concentration works, or any of the employees thereof, or any other person or persons, whomsoever, to deposit, throw, or in any way permit to pass into any natural stream or lake any sawdust, chemicals, or other substances that will or may tend to the destruction or driving away from such

waters, any fish, or kill any fish by the use of poison or deleterious drugs or by the use of any explosive substance, or to explode or cause to be exploded, any powder, hercules powder, dynamite, nitro-glycerine, lime gass or other explosive substance, for the purpose of catching, killing, or destroying any kind of fish: *Provided,* That if it shall become necessary for any person or persons to use any of said explosives for the purpose of internal improvement in any of the streams or lakes of this State, such person or persons before using such explosives must procure permission from the county commissioners, or the State Fish and Game Warden or the deputy warden of the county in which such explosives are to be used: *Provided further,* That nothing in this act contained, shall prevent the owner or owners of any quartz mill or reduction works in this State, now or hereafter to be located upon any natural stream or lake, from operating said quartz mill or reduction works where the said owner or owners thereof shall build or cause to be built a suitable dam to be used in connection with said quartz mill or reduction works, for preventing any deleterious chemicals from flowing into such stream or lake.

SEC. 7. It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any Moongolian pheasant within the State of Idaho for a period of four years next following the passage of this act. It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any quail within the State of Idaho, except between the first day of November and the first day of December of each year, or for any person to kill more than eighteen birds in any one day. It shall be unlawful for any person to ensnare or trap any of the birds protected in this act, at any time of the year.

It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any sage hen except between the fifteenth day of July and the first day of December, or for any person to kill more than eighteen birds in any one day. It shall be unlawful for any person, or persons to kill, ensnare, trap, or destroy any turtle dove, or any species of snipe or plover, except between the 15th day of February and the 15th day of July of each year.

It shall be unlawful for any person or persons to kill en-

snare trap or destroy any partridge, pheasant, grouse, prairie chicken or fool hen, except between the fifteenth day of August and the first day of December, or for any person to kill more than eighteen in any one day.

It shall be unlawful for any person or persons to kill, ensnare, trap or destroy any duck except between the 15th day of September and the 15th day of February, or for any person to kill more than twenty-four in any one day.

It shall be unlawful for any person or persons to kill, ensnare or trap, or destroy any geese or swans except between the fifteenth day of September and the fifteenth day of February, or for any person to kill more than three of either in any one day.

It shall be unlawful for any person or persons to destroy the nest, eggs, or the young birds of any game bird, or to molest such game birds or their young, during their breeding season, and any person or persons found guilty of destroying the nests, or destroying game birds or their young during the season when such game birds are protected by law, shall be deemed guilty of a misdemeanor.

SEC 8. It shall be unlawful for any person or persons to pursue, capture or kill within the State of Idaho any moose, buffalo, antelope or caribou at any time.

It shall be unlawful for any person or persons to pursue, hunt or kill any deer, elk, mountain sheep, mountain goat or antelope, at any time except between the 1st day of September and the 31st day of December of each year. It shall be unlawful at any time to kill or capture any of the above named animals by means of any pitfall trap or snare. And it shall be unlawful at any time of the year for any person or persons to hunt, chase or capture with dogs, any of the animals herein mentioned.

It shall be unlawful for any person or persons to hunt or fish for any kind of game under this act until a license is first procured as provided herein and upon request of the game warden or his deputy such license must be produced for inspection. Any bona fide male citizen or resident of the State of Idaho over twelve years of age, who has been such for a period of six months preceding the application for a license, upon the payment of one dollar to any justice of the peace of the county in which he resides, or to the State Fish and Game Warden or any deputy

warden, shall be entitled to receive from the officer to whom such payment is made a rod and gun license which shall permit such persons to pursue, hunt and kill any of the game animals mentioned in this act during the time when it shall be lawful to kill the same, in any of the counties of this State, subject to the limitations as to the number of each kind of animals hereinafter provided, and to catch fish with hook and line according to the provisions of this act. Such license shall state the name, occupation and place of residence of the person holding the same, and shall not be transferred to any other person. Any person who is a nonresident of the State of Idaho shall upon payment to any justice of the peace of this State or the State Fish and Game Warden or any deputy warden, the sum of twenty-five dollars be entitled to receive from the officer to whom such payment is made, a license, which license shall permit such person to pursue, hunt and kill such number of each kind of animals as hereinafter provided, and to hunt and kill game birds and catch fish during the time, in each current year, when it shall be lawful to kill such animals and birds. Such license shall state the name, place of residence and occupation of the holder thereof and shall not be transferred to any other person.

Any person who is a non-resident of the State of Idaho shall upon payment of five dollars to any justice of the peace of this State or to the State Fish and Game Warden be entitled to receive from the person to whom such payment is made a license, which license shall permit the holder thereof to hunt and kill any of the game birds herein mentioned, except Mongolian pheasants, during the time in each year when it shall be lawful to kill such birds and to catch fish with hook and line only, as provided in this act.

Such license shall be substantially in the following form to wit:

License No. .....

The holder thereof ..... whose residence is ..... County of..... State of ..... is hereby permitted to pursue, hunt and fish within the State of Idaho, subject to the limitation and restrictions of the game laws of the State of Idaho.

Receipt of $..... for this license is ..... hereby acknowledged.

The holder thereof is .... years of age, is .... feet .... inches tall, weighs ..... pounds, is ..... complexioned, and has ..... hair and ..... eyes.

Dated at ..... this .... day of 190..

.....

Officer's Signature.

Such licenses shall be printed in a book of ten licenses, with a stub, which stub shall contain the name and residence of the person to whom issued, the number and date and the amount paid therefor, which stubs with any mutilated licenses and whatever licenses may remain in the last book from which any licenses have been used, with all money received from such licenses, less ten cents for each license sold shall be remitted to the treasurer of his county, on the first day of each month, and in case no licenses have been sold, such officer, must report in writing to such county treasurer that no license have been sold by him. Such licenses shall have printed on the back thereof a short synopsis of this act: *Provided*, That all female persons may take game and fish under the provisions of this act without procuring a license, as provided by this act. All licenses issued under the provisions of this act shall expire on the 15th day of February next following the date of their issue.

SEC. 9. It shall be unlawful during the open season of the year for any person, to hunt, kill or capture, more than one elk, two deer, one mountain sheep, one ibex and one mountain goat, and all licenses issued by any authority of the State as provided for in this act, shall state the number of each kind of animals that may be killed by the holder of such license. Every person who shall have procured and paid for a license, as provided for in this act shall be entitled to the use and possession of the whole or any part, of any animal killed in accordance with the provisions of this act; and any non-resident hunter, who shall first have procured a license as herein provided shall be entitled to keep, and carry or ship out of the State the skins, heads or horns, or other parts of animals killed in compliance with the provisions of this act. All such shipments must be accompanied by a sworn statement of the shipper

that the same was not procured contrary to any of the provisions of this act, which affidavit shall contain the number and date of the owners license.

But it shall be unlawful for any person or persons or any corporation or company, or agent or employee of such company or corporation to sell, or keep or offer for sale any portion of the carcasses, skins, heads or antlers of any of the animals mentioned in this act, and the possession of such carcasses, skins, heads or antlers in excess of the number provided for in this act is a misdemeanor: *Provided* That nothing in this act contained shall apply to a person carrying on the business of a taxidermist, taking and having in his possession the heads or skins of birds or animlas for the purpose of preserving the same, when such heads or skins are accompanied by an affidavit, showing that they were taken from birds or animals killed in compliance with the provisions of this act.

It shall be unlawful for any person or persons, company or corporation, or the agent or employee of such company or corporation to sell, offer or expose for sale or have in his, its or their possession for the purpose of selling or offering for sale any species of fish protected by this act, or any part of a carcass of any of the animals mentioned in this act at any time of the year. And any such person or persons, company or corporation, agent or employee having in his, its or their possession any of the animals of fish herein mentioned for the purpose of selling the same shall be guilty of a misdemeanor.

SEC. 10. It shall be unlawful for any railway, express company, stageline or other common carrier or any of their agents or employees to transport, or to receive or have in his, its, or their possession any of the game animals or birds in this act mentioned, or any species of fish protected by this act for the purpose of transporting the same out of this State or from any point in this State to any other point for the purpose of offering or permitting the same to be offered for sale: *Provided,* That nothing shall in this act shall be construed to prevent shipping or transporting mounted heads or stuffed birds or animals to any point within the State when such birds or animals were not taken or killed in violation of the provisions of this act.

SEC. 11. It shall be unlawful for any person or persons within the State of Idaho to hunt, kill, capture or destroy any song, insectivorous or innocent bird, except English sparrow, magpie or bee-bird, at any time of the year or to destroy the eggs or nests of such birds.

SEC. 12. It is hereby made the duty of the State Fish and Game Warden and all deputies appointed under the provisions of this act, and every sheriff, deputy sheriff, city marshal, constable, and police officers within their respective jurisdictions in the State of Idaho, to enforce all the provisions of this act, and all laws for the protection of fish and game; and such sheriff, deputy sheriff, constable, city marshals, police officers and each of them by virtue of their election, or appointment, are hereby created and constituted ex-officio fish and game warden for their respective jurisdictions; and they and each of them and each and every fish and game warden appointed under the provisions of this act, shall have authority, and it shall be their duty, to inspect all depots, cars, warehouses, cold storage rooms, store rooms, hotels, restaurants, markets, and all packages and boxes held either for storage, shipment or sale which they shall have reason to believe contain evidence of the violation of this act, and each of said officers shall have power and is hereby authorized to search the tents, wagons, camps or packs of any person or persons in this State when they shall have good reason to believe that such person or persons have in their possession any game animals, birds or fish taken in violation of any of the provisions of this act, with or without a search warrant.

Any officer authorized to enforce the fish and game laws of this State shall have power, and it is hereby made his duty, to arrest all persons violating any of the provisions of this act and cause such persons to be taken before the proper court for examination or trial as provided by law, either with or without a warrant.

All necessary expenses incurred in transporting and keeping a prisoner arrested under this act, shall be paid out of the State fish and game fund upon the sworn statement of the deputy warden making the arrest approved by the State Game Warden and if arrested by the State Game Warden upon his sworn statement.

SEC. 13. For the purpose of protecting the wild game of the State it is absolutely necessary to protect the forests of the State from the ravages of fire and it is hereby made unlawful for any person or persons to wilfully or maliciously set on fire or cause to be set on fire any timber, underbrush or grass upon the public domain, in this State, or leave or suffer fire to burn unattended near any timber whereby such timber is set on fire, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment in the county jail for a period not exceeding six months or both such fine and imprisonment.

SEC. 14. That any person who shall build a fire in or near any forest, timber or other inflammable material upon the public domain, shall before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor and upon conviction shall be punished as in the last section above provided.

SEC. 15. It is hereby made the duty of the State Game Warden and his deputies to see that all the provisions of this act are enforced and are hereby given authority to arrest without warrant any person or persons found violating the same.

SEC. 16. It shall be unlawful for any person or persons, association or associations, corporation or corporations or any person whomsoever to maintain a dam in any stream of this State, unless a proper fishway is kept and maintained therein, at all seasons of the year, at the owners expense, of sufficient kind and capacity to permit and allow the fish of such stream free and uninterrupted passage up and down said stream.

The State Game Warden, his deputies or any officer authorized to enforce the provisions of this act shall open any dam not containing a proper fishway and keep the same open until a proper fishway is put therein by the owner.

It shall be unlawful for any person or persons, association or associations, corporation or corporations to build or maintain any dam that will be the means of killing or destroying the fish passing up or down said stream.

It shall be unlawful for any person or persons operating any mill, factory, power plant or other manufacturing concern run by water power and having either head or tail

races, without first furnishing and maintaining suitable screens or other device to prevent the fish from entering therein; said screens to be built and maintained under the direction of the county warden and at the expense of said owner or owners or operators of said mill, factory, power plant or other manufacturing concern. The violation of any of the provisions of this section is a misdemeanor and punishable as such.

SEC. 17. Any person who shall have in his possession any game, fish or birds taken unlawfully is guilty of a misdemeanor.

Any game warden, sheriff, constable or other officer of the law, may at any time seize and take into his custody any game or fish or any portion of the same, which he may find at any time in the possession of any person, company or corporation during the killing of such game or fish is not permitted by the laws of the State.

All seins, net, tackle, powder, explosive, lime, poisons, drugs and other means or devices for unlawful fishing, taking or killing fish of any kind, found in the possession of any person who may be detected in unlawfully taking fish from any of the waters of the State, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seins, nets, powder, explosives, lime, poisons, drugs and other means and devices for taking or killing fish were used, or were about to be used, or intended to be used for the unlawful taking of fish, the same are hereby confiscated and shall be ordered sold by the magistrate at public or private sale and the proceeds must be turned into the county treasury to be applied to the State fish and game fund: *Provided*, That this section shall not apply to any stuffed carcasses, heads, or horns, or skins of animals or birds which were taken or captured during the season allowed therefor.

SEC. 18. Any person or persons, company or corporation, agent or employee who shall violate any part of any provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, or, 27, or any section or provisions whatever of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed three hundred dol-

lars, and the cost of the prosecution, or by imprisonment in the county jail for a period not to exceed six months, or may be punished by both such fine and imprisonment within the discretion of the court.

SEC. 19. All actions brought for violation of the provisions of this act shall be in the name of the State of Idaho and shall be presecuted by the county attorney of the county in which such action is commenced. And the justice of the peace or court trying such action shall, in all cases of conviction under this act, whenever any fine is imposed, order as part of the judgment of the court that the offender shall be committed to jail there to remain until said fine and costs are fully paid or otherwise legally discharged.

SEC. 20. It is hereby made the duty of the State Auditor with the aid of the State Fish and Game Warden, immediately after the passage of this act, to prepare and cause to be printed suitable forms of licenses as provided in this act, and to send to the treasurer of each county in the State such number of blank licenses as may be required, from time to time for use in such county, taking receipt therefor. On the first day of January and first day of July of each year the treasurer of each county in this State shall make a report to the State Auditor, showing the number of license blanks received from the State Auditor by such treasurer, the number issued in his county by the different officers authorized to issue the same, the names and residences of the persons to whom such licenses were issued.

SEC. 21. Each county treasurer in this state, on receipt of such license blanks from the State Auditor, shall deliver to each officer in his county authorized to issue licenses, under the provisions of this act, such number of licenses as may be deemed necessary, taking receipt therefor.

SEC. 22. Any officer who shall refuse or neglest to turn over any moneys, collected for licenses issued as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be immediately removed from office and be liable to criminal prosecution.

SEC. 23. The various county treasurers of this State shall keep a separate record of all moneys received from justices of the peace or game wardens for licenses issued as herein provided, and within ninety days after the receipt

of the same each county treasurer shall pay such moneys over to the State Treasurer and take his receipt therefor.

All moneys so paid into the State Treasury shall be and are hereby constituted a State fish and game fund, which fund may be drawn upon as soon as sufficient funds are received for the payment of the salry of the State Fish and Game Warden and the salaries of deputy wardens.

SEC. 24. The State Fish and Game Warden shall receive as full compensation for salary the sum of twelve hundred dollars, per annum, and $600 per annum for traveling expenses, to be paid out of the public treasury, in the same manner, as other salaries of State officers. Each deputy warden shall receive, as compensation, the sum of three dollars per day for each day actually employed, but shall not be entitled to receive any traveling or any other expenses and shall not receive pay for not more than 90 days in one year: Such compensation to be paid out of the public treasury upon the sworn account of the deputy, which account shall be approved by the State Fish and Game Warden, and forwarded to the State Auditor: *Provided*, That as soon as sufficient funds are accumulated in the State fish and game fund in the hands of the State Treasurer, the salary and expenses of the State Fish and Game Warden and the salaries of deputy wardens shall be paid out of that fund.

SEC. 25. Upon the arrest and conviction of any person or persons for violating any of the provisions of the fish and game laws of this State the whole of the fine when collected shall be paid into the county treasury and shall within ninety days thereafter be remitted by the county treasurer to the State Treasurer in the same manner, as the license moneys provided for in this act, and shall by the State Treasurer, be placed to the credit of the State fish and game fund.

SEC. 26. Any fish and game warden appointed under the provisions of this act, and any sheriff, deputy sheriff, constable, city marshal, or police officer may without warrant arrest any person, by him found violating any of the provisions of this act, and take such person before a justice of peace, probate or municipal judge having jurisdiction, who shall without delay try and determine the matter and enter judgment according to the allegations and proof.

SEC. 27. Any officer, under the provisions of this act, whose duty it is to enforce this law shall be guilty of a misdemeanor, who neglects or refuses to perform any of the duties required to be performed by him under any of the provisions of this act.

SEC. 28. In order to carry out the provisions of this act, there is hereby appropriated out of any moneys in the general fund of the State Treasury to the State fish and game fund for salaries of warden and his deputies and expenses of the warden, two thousand dollars, ($2000.), or so much of said sums as may be necessary: *Provided, however*, That there shall be turned into the general fund of the State, from the "State fish and game fund, by the State Treasurer on the first day of February 1904 all of the appropriation made by this section that has been paid out under the provisions of this act if there remains a sufficient sum therein after paying all of the just claims against said fund.

SEC. 29. An act entitled "Act to provide for the establishment of private parks for the propagation and preservation of fish and game" Approved March 15th, 1899, is hereby repealed.

SEC. 30. All acts and parts of acts now in force relative to the protection of fish and game are hereby repealed.

SEC. 31. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 120.

AN ACT

TO PREVENT THE IMPORTATION, SELLING OR RUNNING AT LARGE OF DOMESTIC ANIMAL OR ANIMALS WITH ANY INFECTIOUS OR CONTAGIOUS DISEASE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall not be lawful for the owner of any domestic animal or animals, or any person having them in charge, knowingly to import or drive into the State any animal or animals having any contagious or infectious disease; and any person so offending shall be deemed guilty of a misdemeanor and shall be punished by a fine in any sum not less than ten dollars nor more than one hundred

dollars, and be imprisoned in the county jail not more than three months, or both, in the discretion of the court.

SEC. 2. Any person being the owner of any domestic animal or animals, or having the same in charge, who shall suffer any such domestic animal or animals having any contagious or infectious disease, knowing the same to be so diseased, to run at large upon any range, common, or highway, or shall let the same approach within ten rods of any highway, or shall sell or dispose of any domestic animal or animals, knowing the same to be so diseased, without fully disclosing the fact to the purchaser, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum not exceeding five hundred dollars, and imprisoned in the county jail not less than six months.

SEC. 3. Nothing in this act shall be so construed as to prevent the recovery of damages in a civil action against any person or persons who shall sell, trade, or import, or drive into this State, such diseased animal or animals, or who shall allow such domestic animal or animals to run at large, or to approach nearer than ten rods of any highway.

SEC. 4. Any justice of the peace, upon proof before him that any animal or animals are going at large or driven in or through his county in violation of the preceding sections shall order a constable or sheriff to impound them, and the owner thereof shall be held liable for all costs and damages, in case owner is not known said justice of the peace, shall thereupon summon three disinterested citizens who shall be stockowners of the neighborhood to examine said animal or animals, said examiners, before entering upon the discharge of their duties, shall be sworn to make a true and faithful report without prejudice or favor. They shall, after making examination, return certified copies of the nature of the diseased animal or animals, together with an accurate description of each animal or animals, giving all brands, ear-marks, wattles, age, sex and class, to the justice of the peace by whom they were summoned, who shall, after entering the same upon his records, have published in some newspaper in the county for one week, where said animal or animals are impounded. If the owner does not claim said animal or animals and pay all costs and damages within ten days after impounding, said justice of

the peace shall order constable or sheriff, to slaughter such animal or animals and destroy the carcass by burning to ashes.

When any diseased animal or animals are impounded by the constable or sheriff, the fees shall not be more than twenty-five cents per head for the first ten head, and ten cents per head for all additional animals impounded, the feeding and watering of such animal or animals shall be ordered by the constable or sheriff, and shall not exceed fifteen cents per day for each animal, all charges for impounding, examining, feeding slaughtering and burning shall be paid by the county in which said animal or animals were imponded, out of the general county fund.

SEC. 5. Any person violating any of the provisions of this act, in addition to the penalties herein provided, shall be liable for all damages that may accrue to the party damaged by reason of said diseased animal or animals imparting disease.

SEC. 6. Whereas, an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 121.—SUBSTITUTE FOR HOUSE BILL NO. 35.

AN ACT

TO AMEND SECTION 5210 OF TH EREVISED STATUTES OF THE STATE OF IDAHO RELATING TO EMINENT DOMAIN.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 5210 of the Revised Statutes of the State of Idaho be amended to read as follows:

Section 5210. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: 1. Public buildings and grounds for the use of the State, and all other public uses authorized by the Legislature:

2. Public buildings and grounds for the use of any county, incorporated city, village, town or school district, canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, incorporated city, village, or town; or for draining any county, incorporated city, village, or town; raising the banks of streams, removing obstructions therefrom, and widening,

deepening, or straightening their channels; roads, streets, alleys, and all other public uses for the benefit of any county, incorporated city, village, town or the inhabitants thereof;

3. Wharves, docks, piers, chutes, booms, ferries, bridges, toll-roads, by-roads, plank and turnpike roads, steam, electric and horse railroads, reservoirs, canals, ditches flumes, aqueducts and pipes, for public transportation, supplying mines, and farming neighborhoods with water, and draining and reclaiming lands, and for storing and floating logs and lumber on streams not navigable;

4. Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also, an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit or conduct of tailings or refuse matter from their several mines;

5. By-roads leading from highways to residences and farms;

6. Telephones, telegraph and telephone lines, and lines used in transmitting electric current for power, lighting heating or other purposes;

7. Sewerage of any incorporated city.

Approved the 3rd day of March, 1903.

HOUSE BILL NO. 123.

AN ACT

TO ANNEX A PORTION OF THE COUNTY OF SHOSHONE TO THE COUNTY OF NEZ PERCE AND TO SUBMIT THE QUESTION OF THE PROPOSED ANNEXATION TO A VOTE OF THE ELECTORS WITHIN THE TERRITORY TO BE ANNEXED, AND APPORTION THE DEBT OF SHOSHONE COUNTY, BETWEEN THE COUNTIES OF SHOSHONE AND NEZ PERCE, AND TO DEFINE THE BOUNDARY OF THE COUNTY OF SHOSHONE, AND TO DEFINE THE BOUNDARY OF THE COUNTY OF NEZ PERCE, AND TO DEFINE THE BOUNDARY OF THE COUNTY OF LATAH, AND TO DEFINE THE BOUNDARY OF THE COUNTY OF IDAHO; AND MAKE THE SAME A PART OF 2ND JUDICIAL DISTRICT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. All that portion of the State of Idaho, included within the following boundary to wit: Commencing at a point where the northern boundary line of town-

ship 41 north, intersects the western boundary line of the present county of Shoshone. On the northern boundary line of township 41 north R. 1 E. B. M. and thence running due east along the northern boundary line of township 41 north, to a point where the same intersects the boundary line between the States of Idaho and Montana thence southeast along said boundary line between the States of Idaho and Montana to the point where the same intersects the boundary line between the present county of Shoshone and the county of Idaho. Thence in a south westerly direction along said boundary line between the counties of Shoshone and the county of Idaho to a point where the same intersects the center of the channel of the Lolo Fork of the Clearwater river. Thence down the center of the channel of the said Lolo Fork of the Clearwater river, said Lolo Fork being the present boundary line between the counties of Shoshone and Idaho, to the point where the same intersects the main Clearwater river. Thence in a north westerly direction along the center of the channel of the main Clearwater river to a point where the same meets the North Fork of the Clearwater or (Elk Creek)

The said point being on the present boundary line between the present county of Shoshone and the present county of Nez Perce and being on the north boundary line of township 36 N. R. E. B. M. Thence due north along the boundary line between the present county of Shoshone and the present county of Nez Perce. To where the same meets the boundary line of Latah county. Thence due north on the boundary line between the present county of Shoshone and the present county of Latah, to the point of beginning on the northern boundary line of township 41 north.

The above described, being all that portion of the present county of Shoshone, lying south of the boundary line of township 41 north Boise Base Line, is hereby annexed to the county of Nez Perce in the State of Idaho:

Provided, That the question of the annexation to the county of Nez Perce of the territory hereinbefore described be first ratified by a majority of the qualified electors, of the territory proposed to be cut off from the said present county of Shoshone and annexed to the said county of Nez Perce, voting at the next general election to be held

in the year 1904. Said election to be conducted and the votes canvassed in the manner provided by law, and that the ballots shall be substantially in the form following: "For annexation to the county of Nez Perce," and "Against annexation to the county of Nez Perce", and if the canvassing board ascertain that a majority of the votes cast at said election be "for annexation to the county of Nez Perce", they shall therewith so declare, and it shall be considered that the question is thus ratified, and it shall be mandatory on the said board to certify to the Governor the result of such election.

SEC. 2. All that portion of the county of Shoshone within the State of Idaho, not embraced within the boundary of the territory described in Section 1, of this act, shall thereafter constitute the county of Shoshone.

SEC. 3. All of the territory within the State of Idaho, now embraced within the boundaries of the county of Nez Perce, together with the territory described in Section 1 of this act shall thereafter constitute the county of Nez Perce.

SEC. 4. At the first regular meeting of the board of commissioners, next following the annexation of the territory hereinbefore in this act described, to the county of Nez Perce the said county commissioners shall each appoint a competent accountant who shall within ten days after the appointment, meet at the county seat of Shoshone county and take the usual oath of office and proceed, then and there, to ascertain from the books and records in the auditors and recorders offices the whole amount of the indebtedness of the said Shoshone county at the date that this act takes effect and to apportion said indebtedness pro rata between the counties of Shoshone and Nez Perce, according to the taxable property that the territory annexed bears to the whole as now organized under the provisions of this act should the same take effect; basis and valuation of property to be taken and computed from the assessment roll, and books of the present Shoshone county made for the year next preceding the date of such election. Said commissioners shall apportion the value of the said county property of Shoshone county upon the same basis as is provided for the apportionment of the indebtedness of Shoshone county, and said accountant shall in ad-

justing said indebtedness of the said county property, allow Shoshone county to retain all county property, such as court-houses, furniture and fixtures, but the said Nez Perce must give Shoshone county credit in the adjustment of the accounts for the annexed territory's apportionment of the value of the said court-houses and other county property. Said credit to apply in the adjustment of Nez Perce county's portion of the indebtedness to Shoshone county. Said accountants shall make certificates of the adjustment they make showing a fully itemized statement of the debits and credits, and file one each with the chairman of the board of commissioners of each of the counties of Shoshone and Nez Perce, and whatever amount is shown by such certificates to be due from either one of the counties to the other, the board of commissioners of the proper county shall cause warrants to be drawn by the auditor of their county in favor of the other of the amount due, at their first regular session after the filing of the accountants certificate, as aforesaid: *Provided,* That in fixing values on Shoshone county property no value shall be placed upon the roads and bridges within said county: *Provided further,* That if said accountants can not agree as to the value of the county property, as herein stated, the Governor of the State of Idaho shall appoint one disinterested person who must be a resident of some other county who shall fix and determine the value of said property, and make out and file certificates accordingly, with the chairman of the boards of county commissioners of Shoshone and Nez Perce counties.

SEC. 5. Said accountants provided for in Section 4 of this act shall in accordance with their duties already prescribed ascertain and apportion all moneys in the county treasury at the time this act takes effect as shown by the books in the auditor's and treasurer's offices of Shoshone county, between the county of Shoshone and Nez Perce in the same ratio, and upon the same basis as the indebtedness and county property is to be apportioned as provided in section 4 of this act. Said accountants shall file certificates with the auditors of each of said counties showing the apportionment of each county, and at the first regular meeting of the commissioners of Shoshone county after the filing of the accountants certificates, as hereinbefore

provided, they shall cause the treasurer of Shoshone county to pay over the amount of money to the treasurer of Nez Perce county, as is shown to be Nez Perce county's portion by said accountants certificates.

Said accountants shall be allowed a reasonable compensation for all of their services rendered under the provisions of this act, to be audited and allowed by the commissioners of each county.

SEC. 6. The recorder of Shoshone county shall, within ninety days after the annexation of the territory described in section 1 to the county of Nez Perce transcribe all matters of record from the record of Shoshone county that should be of record in Nez Perce county, into suitable books, to be provided by Nez Perce county, and deliver the same to the recorder of Nez Perce county, and when so transcribed and delivered they shall be the official record of all property, and all other matters to which they refer, and shall have the same force and effect as the original.

The county of Nez Perce shall pay to the recorder of Shoshone county a sum of 20 cts. per folio for transcribing said records, including indexing of the said records to be audited and allowed by the commissioners of the said county.

SEC 7. The part of Shoshone county so annexed to Nez Perce county shall together with Nez Perce county, be a part of the 2nd judicial district of the State of Idaho.

SEC. 8. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby, expressly, repealed.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 125.

AN ACT

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF TWELVE THOUSAND DOLLARS AND APPROPRIATING THE PROCEEDS THEREOF TO THE ALBION STATE NORMAL SCHOOL FOR COMPLETING THE BUILDINGS, INCREASING THE WATER SUPPLY, INCREASING THE EQUIPMENT, AND IMPROVING THE GROUNDS OF SAID ALBION STATE NORMAL SCHOOL.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of completing the buildings, increasing the water supply, increasing the equipment

and making certain improvements for the Albion State Normal School, a loan of twelve thousand dollars ($12000.00) is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho, upon the faith and credit of the State of Idaho, and secured by the proceeds of the sale of the lands set apart and appropriated to the use and for the benefit of the said Albion State Normal School by section five (5) of an act establishing said normal school, approved March 7th 1893, and the timber thereon as hereinafter provided.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed immediately upon the passage of this act to issue twenty-four (24) bonds of the State of Idaho to be known as "The Albion State Normal School Improvement Bonds", in the sum of five hundred ($500.) dollars each, payable in twenty years from the date of their issuance to bear interest at a rate not to exceed four per centum, per annum, payable semi-annually on the first days of January and July of each year at a bank in the city of New York, to be selected by the State Treasurer; said bonds, however, to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance. Said bonds shall be plainly numbered from one (1) to twenty-four (24) consecutively.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to cause to be printed, or lithographed suitable bonds in proper form with coupons attached for the purposes of this act.

All such bonds shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State and shall also be signed, or endorsed, by the Governor of the State with his own proper name, affixing his official character and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds, showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 4. At the time of issuing said bonds under the

provisions of this act, the State Treasurer shall sign them with his own proper name, affixing his official character and shall in like manner sign the coupons thereunto attached and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring, or mutilating the bonds, and shall be severally numbered from one (1) to forty (40), each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a register of all the bonds issued by him, showing the date of issuance and shall deliver said bonds with the coupons attached as aforesaid to the purchaser, or purchasers, upon the receipt of the purchase money therefor; and the money received from the sale of said bonds shall be by the said Treasurer placed in a certain fund to be known as "The Albion State Normal School Improvement Fund". None of said bonds, however, shall be sold for less than their face or par value. The expense for printing, or lithographing, and procuring said bonds with coupons attached, shall be paid out of the funds arising from the sale of said bonds.

SEC. 5. For the purpose of securing the payment of the principal of the bonds provided for in this act, the proceeds of the sale of the lands, or of timber growing thereon, granted to the State of Idaho, by the United States of America, for "State Normal Schools" and set apart and appropriated to the use of said Albion State Normal School by section five (5) of said act establishing said normal school are hereby set apart as a separate fund to be known as "The Albion State Normal School Improvement Bonds Sinking Fund," subject, however, first to the payment of bonds and the interest thereon issued under the provisions of an act entitled "An act providing for the issue of State bonds for the benefit of the Albion State Normal School and the Lewiston StateNormal School and prescribing how the proceeds of the sale of such lands shall be expended passed the 7th day of March, 1895," and also subject to the payment of bonds and the interest thereon issued under the provisions of an act entitled "An act, providing for the issue of State bonds for the purpose of completing the present building and for the erection of two dormitories for the Albion State Normal School and

providing how the proceeds of the sale of such bonds shall be expended, and after a full satisfaction of the obligations provided for in said acts and after payment of said principal of said bonds provided by this act, then the proceeds of the sale of the said land, or timber, shall be paid into the general fund of the State Treasury until an amount equal to the total amount of interest that has theretofore been paid out of said general fund on said bonds issued under the provisions of this act, less the amount of interest that may have been paid into the said general fund from investment of the Albion State Normal School improvement bonds sinking fund moneys in State warrants as hereinafter provided for has been so paid into said general fund. When the principal of said fund shall have been fully paid and the general fund of the State reimbursed for the interest on said bonds, provided in this act as herein specified then and thereafter the proceeds of the sales of such land and timber shall be disposed of as may by law be provided.

SEC. 6. At any time after ten years from the issuance of said bonds whenever there shall be five thousand ($5000.) dollars of said sinking fund, the Treasurer of the State shall make a call by publication for sixty days in some daily newspaper in this State, notifying all the parties interested that certain bonds of the Albion State Normal School improvement bonds provided by this act, giving their numbers, will at a certain date be paid at the office of the Treasurer and the bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 7. At any time when money to the amount of one thousand ($1000.) dollars, or more, is in said sinking fund it is hereby made the duty of the State Treasurer to invest such money is registered State warrants of this State and in registered State warrants only and to hold such warrants until they are redeemed as a part of said sinking fund, and whenever State warrants so held by the Treasurer are paid the Treasurer shall certify the amount of interest that may have accrued thereon to the State Auditor and the amount of such interest shall thereupon be placed to the credit of and become a part of the general fund of the State and the amount of the principal of said sinking fund invested in such shall, upon the redemption of said

warrants, be returned to said sinking fund to be reinvested in the same manner: *Provided*, That when the principal of said sinking fund is required for the redemption of the bonds called as provided for in this act, such principal shall not be so invested in such warrants.

SEC. 8. For the prompt payment of the interest that may accrue upon said bonds there is hereby appropriated for each year out of any moneys in the State Treasury, not otherwise appropriated, an amount equal to the amount of said interest on said bonds as the same may become due and for the payment of such interest when due the Treasurer of the State shall reserve any and sufficient of the funds in his hands in preference to all other claims whatsoever, except the interest on bonds of the State heretofore issued pursuant to law.

SEC. 9. When the moneys arising from the sale of said bonds are received by the State Treasurer he shall notify the State Auditor of the amount of money so received and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold.

SEC. 10. All moneys paid, or to be paid into the Albion State Normal School improvement fund are hereby appropriated to the Albion State Normal School for the purposes stated in this act, to wit: for completing the building, increasing the water supply, increasing the equipment and improving the grounds of said Albion State Normal School.

SEC. 11. All moneys appropriated in accordance with the provisions of this act, shall be expended and the accounts therefor audited and paid in the manner provided in the act establishing said Albion State Normal School.

SEC. 12. An emergency existing therefor this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 4th day of March, 1903.

HOUSE BILL NO. 128.

AN ACT

RELATING TO ESTRAY ANIMALS; REPEALING SECTION 1364 OF THE REVISED STATUTES OF IDAHO; AMENDING SECTIONS 1360, 1362, 1363, 1365 AND 1370 OF THE REVISED STATUTES OF IDAHO; AND ADDING TO TITLE 9 OF POLITICAL CODE OF THE REVISED STATUTES OF THE STATE OF IDAHO, THE

FOLLOWING SECTIONS: SECTIONS 1371 AND 1372 PROVIDING FOR THE DESIGNATION OF AN OFFICIAL ESTRAY PAPER, AND PROVIDING PUNISHMENT FOR THE BREACH OF ANY OF THE CONDITIONS OF LAW ENTITLED TITLE 9 OF THE POLITICAL CODES OF THE REVISED STATUTES OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Section 1364 of the Revised Statutes of the State of Idaho be and the same is hereby repealed.

SEC. 2. Section 1360 of the Revised Statutes of the State or Idaho be and the same is hereby amended to read as follows: Section 1360. Every person taking up any estray animal must, within five days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable charges and take such estray away: *Provided,* That the charge for taking care of such estray shall not exceed the sum of ten cents per head per day.

SEC. 3. That section 1362 of the Revised Statutes of the State of Idaho as amended, be and is hereby amended to read as follows:

Section 1362. If the owner or claimant of any estray animal be unknown the taker up must, within ten days, after taking up such animal, give notice by publication thereof, in a weekly newspaper published in the county in at least six issues of said paper giving the description of such animal or animals, the marks, brands, natural or artificial, age, and sex, the name and residence of the taker up, and the time and place at which the said estray was taken up; such notice to be filed within said ten days with the county auditor, to be kept by him on file in his office for a period of one year from date of filing same. And such county auditor shall furnish copy of same to the newspaper for publication. At the time of filing such notice the taker up must deposit with the county auditor the sum of fifty cents for filing, and one dollar for publishing said notice.

SEC. 4. That section 1363 of the Revised Statutes of the State of Idaho be and the same is hereby amended to read as follows: Section 1363. If the owner or any person entitled to the possession of any estray appears at any time within ninety days after said notice is filed with the auditor as aforesaid, and makes out his right thereto, he is

entitled to the possession of such estray upon payment of all lawful charges which have been incurred in relation to the same: *Provided,* That he need not pay for the keeping of said estray for more than ten days prior to the time of filing of the notice with the auditor by the taker up.

SEC. 5. That section 1365 of the Revised Statutes of the State of Idaho, as amended, be amended to read as follows: Section 1365. If any person entitled to the possession of any estray does not appear and substantiate his title thereto and pay the charges thereon, within ninety days from the time when such notice is filed for publication with the county auditor, such estray must be sold at the request of the taker up by the sheriff or any constable of the county living nearest the place of sale, at public auction, upon first giving public notice thereof in writing, by posting up the same in three of the most public places in the precinct where such estray was taken up, at least ten days before such sale and the taker up may bid thereon at such sale, and after deducting all the lawful charges of the taker up, as aforesaid, not to exceed ten cents per day for feeding each estray, and the fees of the sheriff or constable, which are the same as on an execution; the remaining proceeds of such sale must be deposited in the county treasury.

Any estray sold as herein provided shall be branded by the sheriff or constable making such sale, with an estray brand as follows: A circle with an initial letter E in the center the same to be placed on the left side, or ribs of all horned stock, and on the left shoulder of all other stock.

The branding irons for such purpose shall be furnished by each respective county in the State of Idaho and the sheriff or constable making such sale shall receive for his services the sum of fifty cents per head for each animal so branded.

SEC. 6. Section 1370 of the Revised Statutes of the State of Idaho be and is hereby amended to read as follows:

Section 1370. It shall be unlawful for the taker up of any estray to convert the same to his own use prior to having obtained title thereto as herein provided, any per-

son violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof be liable to a fine of not less than fifty dollars, nor more than five hundred dollars or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 7. That title 9 of the Political Code of the Revised Statutes of the State of Idaho be amended by adding thereto after section 1371 the following section to-wit:

Section 1372. Any person or persons who shall defraud or attempt to defraud, in any manner, another person of his property or to deprive another person of the possession, control or use of his property or any of the property mentioned, described or which is covered by this act, or of title 9 of the Political Code of the Revised Statutes of the State of Idaho, by fraudulently claiming title to said property, either by virtue of a false or fraudulent bill of sale, or by riding or driving without the consent of the owner thereof any animal or animals, or by holding them with other stock on the range, or by moving them with or without other stock from their accustomed range, or by enclosing them with other stock that are to be shipped in any stock yards, or otherwise, or falsely claiming to have taken up said property, or falsely to be the owner of said property or to be in the unlawful possession of said property, or any property mentioned or set forth in this act or title 9 of the Political Code of the Revised Statutes of Idaho, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be fined not to exceed three hundred dollars ($300.) or be imprisoned in the county jail not to exceed six months, or in the discretion of the court shall be subject to both such fine and imprisonment.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 133.

AN ACT

TO ENCOURAGE ARBOR CULTURE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the county superin-

tendent to set apart one day in the proper time, in each year, between the first day of April and the first day of May to be known as Arbor day and shall by written or printed notice, notify the clerk of each school district in his county of the day so set apart, at least twenty days prior to said day.

SEC. 2. It shall be the duty of the authorities of every public school in this State to assemble the pupils in their charge on that day in the school building, or elsewhere, as they may deem proper, and to provide for and conduct under the general supervision of the county superintendents of public instruction, such exercise as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

SEC. 3. The State Superintendent of Public Instruction shall have power to prescribe, from time to time, in writing, a course of exercises and instructions in the subjects hereinbefore mentioned, which shall be adopted and observed by the school authorities on Arbor day, and upon receipt of copies of such course, sufficient in number to supply all the schools under his supervision, the county superintendent of public instruction shall promptly provide each of the schools under his charge with a copy and cause it to be adopted and observed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval, an emergency existing therefor.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 135.

AN ACT

TO ENABLE VILLAGES TO BECOME ORGANIZED AS CITIES OF THE SECOND CLASS AND PROVIDING FOR THE POWERS, DUTIES AND LIABILITIES OF CITIES SO ORGANIZED AND PRESCRIBING THE MEANS FOR CARRYING SUCH ORGANIZATION INTO EFFECT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Whenever any village containing more than one thousand inhabitants desires to discontinue its organization as a village and organize as a city of the

second class and a number of the qualified electors of said village equal to three-fifths of the total vote as shown by the last preceding general village election, held in said village shall petition the board of trustees of such village therefor, upon the filing of said petition with the village clerk of said village, it shall be the duty of said board of village trustees to forthwith pass and publish a resolution, in the manner provided for the passage and publication of village ordinances, declaring such municipal corporation to be a city of the second class and changing the corporate name of such municipality from the village of ..... (Inserting corporate name of village) to the city of ..... (inserting the corporate name of such city). Such resolution shall also find the existence of the above jurisdictional facts. Upon the passage, approval and publication of such resolution it shall be the duty of the clerk of such village to record the same in the general ordinance or record book of such village in the manner provided for the recording of ordinances and to forthwith make out a true copy of the same, duly certified by him and to deliver the same to the clerk of the board of county commissioners of the county in which said municipality may be situated and such board of county commissioners at their next ensuing general or special meeting shall cause such resolution to be entered upon their records and the same shall be entered and recorded therein the same as the original order of incorpooration of such municipality as a village was recorded.

SEC. 2. Upon the passage of the resolution mentioned in section 1 of this act, it shall be the duty of the board of trustees of such village to enact an ordinance dividing such municipality into wards in the manner required by the city councils in cities of the second class.

SEC. 3. The next annual or general election, succeeding the passage of said resolution, held within such municipality shall be conducted in the manner required for the conducting of elections in cities of the second class. The officers elected at such election shall be the same as in cities of the second class organized under the general laws of this State, and the board of trustees shall have full power to prescribe by ordinance such rules and regulations, not in conflict with the general laws of the State

for the conduct of such elections as may be necessary for the carrying into effect of the provisions of this act. In all matters pertaining to such election the officers of such village shall have the same powers, except as herein otherwise provided, as are conferred upon the officers of cities of the second class in the performance of like duties. For the purposes of such election, such municipality shall be considered as a city of the second class and such election may be conducted in its corporate name of the "city of....." (naming it)

SEC. 4. Upon the election and qualifications of the officers provided for by the general laws applicable to cities of the second class and by this act, at such election, such municipality shall cease to be a village and shall become and be a city of the second class and thenceforth shall be known as the "City of ....." and shall thereafter have the same powers and duties and be subject to the same liabilities as though originally incorporated as a city of the second class under the general laws of the State.

SEC. 5. Upon the qualification of the city officers elected as herein provided, all books, papers, records, money and property of such village shall be delivered over to the proper officers of such city and the authority of the board of trustees and all village officers shall cease from and after the taking effect of the city government in such former village.

SEC. 6. Any city organized under the provisions of this act shall, for all purposes, be deemed and taken to be in law the identical corporation theretofore incorporated and existing; and such reorganization shall in no wise affect or impair the title to any property owned or held by such corporation or in trust therefor, or any debts, demands, liabilities, or obligations existing in favor of or against such corporation, or any proceeding then pending, nor shall the same operate to repeal or effect in any manner, any ordinance theretofore passed or adopted and remaining unrepealed or to discharge any persons from any liability, civil or criminal then existing, for any violations of any such ordinance; but such ordinances, so far as the same are not in conflict with the general laws shall be and remain in force until repealed or amended by the said city council.

Provided, That proceedings theretofore commenced shall after such reorganization be conducted in the same manner as though the change herein provided for had not taken place.

SEC. 7. All courts holden within the county in which such city is situated shall take judicial notice of the corporate capacity and existence of such city, and of the fact that such city is identical with and a continuation of such municipality formerly organized as a village.

In all other courts of the State the corporate capacity and existence of such city may be proven by copies of the resolution discontinuing the village government of such municipality and declaring the same to be a city, and of the original order of incorporation of said municipality as a village, duly authenticated and certified by the clerk of the board of county commissioners, in whose office such records exist, to be correct copies of such proceedings as the same appear of record in his office.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. Whereas an emergency exists therefor this act shall take effect and be in force from and after its passage.

Approved the 9th day of March, 1903.

HOUSE BILL NO. 136.

AN ACT

ENTITLED "AN ACT TO AMEND SECTIONS FIVE (5) AND SIX (6) OF AN ACT ENTITLED "AN ACT TO ESTABLISH A SOLDIERS HOME, "APPROVED ON THE 9TH DAY OF FEBRUARY, 1899."

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That section five (5) of an act to establish a Soldiers' Home approved February 9th, 1899, shall be amended to read as follows, to wit:

Section 5. The board of trustees shall appoint a commandant of said Soldiers' Home, who shall hold office during the pleasure of the board.

The commandant shall have entire control and management of the home, under such rules and regulations as may be prescribed by the board. He shall give a bond in favor of the State of Idaho in the penal sum of four thousand ($4000.00) dollars, conditioned on the faithful

performance of his duties, such bond to be approved by the Governor.

The commandant shall receive for his services such sum as may be fixed by the board of trustees, not to exceed twelve hundred ($1200.00) per year, and rations.

SEC. 2. Section six (6) of an act entitled "An act to establish a Soldiers' Home, approved February 9th, 1899, shall be amended to read as follows, to-wit:

Section 6. The board of trustees shall appoint a physician for the home who shall receive a salary to the fixed by the board, not exceeding fifty (50) dollars per month and who shall hold office during the pleasure of the board, and the board of trustees shall appoint a matron for the home who shall receive a salary to be fixed by the board, not exceeding forty (40) dollars per month and who shall hold office during the pleasure of the board.

SEC. 3. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 4. Whereas, an emergency exists, therefor this act shall take effect and be in force from and after its passage.

Approved the 3rd day of March, 1903.

HOUSE BILL NO. 139.

AN ACT

TO PROVIDE FOR THE APPORTIONMENT OF THE LEGISLATURE.

Be it enacted by the Legislature of the State of Idaho.

SECTION 1. The apportionment of the two houses of the legislature is as follows:

The First Senatorial District consists of the county of Ada and shall elect one senator.

The Second Senatorial District consists of the county of Blaine and shall elect one senator.

The Third Senatorial District consists of the county of Bannock and shall elect one senator.

The Fourth Senatorial District consists of the county of Bear Lake and shall elect one senator.

The Fifth Senatorial District consists of the county of Bingham and shall elect one senator.

The Sixth Senatorial District consists of the county of Boise and shall elect one senator.

The Seventh Senatorial District consists of the county of Canyon and shall elect one senator.

The Eighth Senatorial District consists of the county of Cassia and shall elect one senator.

The Ninth Senatorial District consists of the county of Custer and shall elect one senator.

The Tenth Senatorial District consists of the county of Elmore and shall elect one senator.

The Eleventh Senatorial District consists of the county of Fremont and shall elect one senator.

The Twelfth Senatorial District consists of the county of Idaho and shall elect one senator.

The Thirteenth Senatorial District consists of the county of Kootenai and shall elect one senator.

The Fourteenth Senatorial District consists of the county of Latah and shall elect one senator.

The Fifteenth Senatorial District consists of the county of Lemhi and shall elect one senator.

The Sixteenth Senatorial District consists of the county of Lincoln and shall elect one senator.

The Seventeenth Senatorial District consists of the county of Nez Perce and shall elect one senator.

The Eighteenth Senatorial District consists of the county of Oneida and shall elect one senator.

The Nineteenth Senatorial District consists of the county of Owyhee and shall elect one senator.

The Twentieth Senatorial District consists of the county of Shoshone and shall elect one senator.

The Twenty-first Senatorial District consists of the county of Washington and shall elect one senator.

The several counties shall elect members of the House of Representatives as follows:

Ada county four (4) members.
Bannock county three (3) members.
Bear Lake county two (2) members.
Bingham county three (3) members.
Blaine county two (2) members.
Boise county one (1) member.
Canyon county three (3) members.
Cassia county one (1) member.
Custer county one (1) member.
Elmore county one (1) member.

Fremont county four (4) members.
Idaho county three (3) members.
Kootenai county three (3) members.
Latah county three (3) members.
Lemhi county one (1) member.
Lincoln county one (1) members.
Nez Perce county four (4) members.
Oneida county three (3) members.
Owyhee county one (1) members.
Shoshone county four (4) members.
Washington county two (2) members.

SEC. 2. Any new county which may hereafter be created shall constitute a senatorial district and elect one senator, and shall elect one representative.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 142.

AN ACT

MAKING THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF THE BOARD OF TRUSTEES OF THE LEWISTON STATE NORMAL SCHOOL AND THE ALBION STATE NORMAL SCHOOL.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The State Superintendent of Public Instruction shall be and is hereby made a member of the board of trustees of the Lewiston State Normal School and a member of the board of trustees of the Albion State Normal School, with the same powers and duties as the other trustees.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 144.

AN ACT

TO PROVIDE FOR THE ATTACHING OF CERTAIN TERRITORY NOW IN THE COUNTY OF BINGHAM TO THE COUNTY OF FREMONT, AND TO PROVIDE THE METHOD AND MEANS OF TAKING A VOTE OF THE PEOPLE IN SAID TERRITORY UPON SAID MATTER.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That all that portion of the county of Bingham in this State embraced and included within the following boundaries, to wit, commencing at the point where the Bingham and Fremont county lines bisect the top

or comb of the Big Hole mountain range, thence following along the top or comb of said mountains in a southeasterly direction to the Wyoming line, thence north along said Wyoming State line to the dividing line between Bingham and Fremont counties, thence westerly along said dividing line between said counties to the place of beginning, shall be attached to and become a part of the county of Fremont, upon a majority of the qualified electors so declaring, as in section 2 provided.

SEC. 2. At the next general election the qualified electors who have resided for ninety days prior to said election in that portion of Bingham county proposed to be cut off from said county and annexed to Fremont county, by section 1 of this act, shall vote upon the question of the division or thus cutting off of Bingham county and the annexation of said territory to Fremont county, said vote shall be by ballot in the following form, to wit;

For division and annexation, Yes.—

Against division and annexation, Yes.—

The vote shall be returned and canvassed as provided for by law in such cases; and this act shall take effect only in case a majority of said qualified electors of said territory, voting on said question, shall vote in the affirmative: *Provided,* That Fremont county shall be held liable to pay such relative portion of all the indebtedness and liabilities of Bingham county existing at the time the vote on said division or annexation shall be officially declared by the commissioners of Bingham county, as the assessed valuation of the property in said territory so cut off, according to the assessor's roll of 1903 bears to the assessed valuation of the property in the entire territory of the said county of Bingham.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 146.

AN ACT

TO REGULATE THE APPROPRIATION AND DIVERSION OF THE PUBLIC WATERS AND TO ESTABLISH RIGHTS TO THE USE OF SUCH WATERS AND THE PRIORITY OF SUCH RIGHTS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of regulating the use of the public waters and of establishing by direct means the priority of right to such use, any person, association or corporation hereafter intending to acquire the right to the beneficial use of the waters of any natural streams, springs or seepage waters or lakes or other public waters in the State of Idaho, shall, before commencing the construction enlargement or extension or change in the point of diversion of the ditch, canal or other distributing works, or performing any work in connection with said construction or proposed appropriation or the diversion of any water into a natural channel, make an application to the State Engineer for a permit to make such appropriation. Such application must set forth: (1) the name and postoffice address of the applicant, (2) the source of the water supply, (3) the nature of the proposed use, (4) the location and description of the proposed ditch, channel or other work and the amount of water to be diverted and used, (5) the time required for the completion of construction of such works, which in no case shall exceed five years from the date of approval of application, (6) the time required for the complete application of the water to the proposed use, which must be within four years after the date set for the completion of such works.

The application shall be accompanied by a plan and map in duplicate of the proposed works for the diversion and application of the water to a beneficial use, showing the character, location and dimensions of the proposed reservoirs, dams, canals, ditches, pipe lines, and all other works proposed to be used by them in the diversion of the water, and the area and location of the lands proposed to be irrigated. If such application is filed by a corporation it shall state (1) the amount of its capital stock, how much thereof has been actually paid in, and the names and places of residence of its directors, (2) the financial resources of the corporation or person making the application, and the means by which the funds necessary to construct the proposed works are to be provided. If for the generation of power or any other purpose than irrigation or domestic use, the purpose for which it is proposed to be used, the nature, location, character, capacity and estimated cost of the works, and whether the water used is to be and will be re-

turned to the stream, and if so, at what point on the stream. In case the proposed right of use is for agricultural purposes, the application shall give the legal subdivisions of land proposed to be irrigated, with the total acreage to be reclaimed as near as may be: *Provided,* That no one shall be authorized to divert for irrigation purposes more than one cubic foot of water per second for each fifty acres of land to be so irrigated, unless it can be shown to the satisfaction of the State Engineer that a greater amount is necessary: *Provided, further,* That the plan of irrigation submitted shall provide for the distribution of water to within not more than one mile of each legal subdivision of the land proposed to be reclaimed by the use of such water: *Provided also,* That in the case of all ditches designed to have a capacity of ten cubic feet per second or less, such map showing the location of such ditch and the place of use of such water or the location of the lands to be irrigated, may be upon blanks furnished by the State Engineer.

SEC. 2. On receipt of this application, which shall be of a form prescribed by the State Engineer, it shall be the duty of that officer to make an endorsement thereon of the date of its receipt, and to make a record of such receipt in some suitable book in his office. It shall be his duty to examine said application and ascertain if it sets forth all the facts necessary to show the location, nature and amount of the proposed use. If upon such examination, the application is found defective, it shall be the duty of the State Engineer to return the same for correction within thirty days from the receipt of such application, and the date of such return, with the reasons therefore, shall be endorsed on the application and a record made thereof in a book kept for recording the receipt of such applications. A like record shall be kept of the date of the return of corrected applications, but such corrected application shall be returned to the State Engineer within a period of sixty days from the date endorsed thereon by the State Engineer: *Provided,* That if be returned after such period of sixty days, such corrected application shall be treated in all respects as an original application.

All applications which shall comply with the provisions of this act and with the regulations of the State Engineer's office shall be numbered consecutively, and shall be re-

corded in a suitable book kept for that purpose, and it shall be the duty of the State Engineer to approve all applications made in proper form which contemplate the application of the water to a beneficial use.

The approval of an application shall be endorsed thereon, and a record made of such endorsement in the State Engineer's office. The application so endorsed shall constitute a permit, and shall be returned to the applicant, and he shall be authorized on receipt thereof, to preceed with the construction of the necessary works for the diversion of such water, and to take all steps required to apply the water to a beneficial use and to perfect the proposed appropriation. In his endorsement of approval on any application, the State Engineer shall require that actual construction work shall be completed within a period of five years from date of such approval and that one-fifth of such work of construction shall be done within one-half the period of time allowed for the completion of such works. He may limit the application to a less period of time for the completion of work than is asked for, and likewise the perfecting of the proposed right for a less period than is named in the application, and such endorsement shall give the date when such work shall be completed, also the date when beneficial application of the water to be diverted by such works shall be made for the purpose intended.

Any applicant feeling himself aggrieved by the endorsement made by the State Engineer upon his application, may appeal therefrom to the district court of the county in which the point of diversion of the proposed appropriation shall be situated.

Such appeal shall be within sixty days from the return of the application by the State Engineer and shall be perfected when the applicant shall have filed in the office of the clerk of such district court a copy of the application certified by the State Engineer as a true copy, together with the petition to such court setting forth the appellant's reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by appellant, and such like proofs as shall be adduced by the State Engineer or some person duly authorized in his behalf. The maps accompanying such applications must contain the name of the proposed work, and, when it is possible,

the number of the permit. They must, in addition, have the name or names of the applicant or applicants, and when the proposed works have a capacity of more than twenty-five second feet, a certificate of the surveyor giving the date of the survey, his name and post office address. It shall be the duty of the State Engineer to examine these maps or plats, and to ascertain if they agree with the description contained in the application, and when found to agree, to approve the same, file one copy in his office and return the other, approved to the party filing them.

SEC. 3. If the holder of a permit, at the expiration of one-half the time set for the completion of such works, shall not have completed at least one-fifth of the work of construction as contemplated in the application for such permit to construct such works, any person or persons holding any permit for the diversion of waters from the same stream (such permit post-dating the permit for the diversion of water through such unfinished works as aforesaid) may, on or before such date set for the doing of such one-half of such work of construction, petition the State Engineer to cancel such prior permit. Upon receipt of such petition, which shall clearly set forth the facts in relation to the condition of such unfinished work, and be certified to by a well known and competent engineer, the State Engineer shall make or cause to be made an examination of such works, and if he is satisfied that less than such one-fifth of the work of construction of such works has been done on such date, he shall cancel the permit issued for the diversion of water by means of such works, and shall at once notify the holder of such permit by registered mail of such action, stating the reason why such cancellation was made; and if the State Engineer shall refuse to cancel such permit, he shall at once, and by registered mail, so notify the person filing such petition.

Either of the parties feeling themselves aggrieved by the action of the State Engineer may appeal therefrom to the district court of the county in which the point of diversion of the works in question is situated. Such appeal shall be within sixty days from the receipt of the notice of such action of the State Engineer, and if the petitioner to such State Engieer shall file the appeal, the holder of the permit in question shall be the defendant, and if

the holder of such permit which has been cancelled shall be the appellant, the party who petitioned for such cancellation shall become the defendant in such appeal, and such appeal shall be perfected when the appellant shall have filed in the office of the clerk of such district court a copy of such petition to the State Engineer and a copy of the decision of such Engineer, certified to by such Engineer as true copies, together with the petition to such court setting forth the appellants reason for appeal.

SEC. 4. On or before the date set for the completion of works for the diversion and application of water under any permit, the holder of such permit, or his assign shall be prepared to submit proof of the completion of such works to the State Engineer.

Such holder of such permit shall first notify the State Engineer that he is prepared to submit such proof of completion of such works. Such notice to the State Engineer shall be given by registered mail and at least sixty days before the date set for the completion of such works, and shall be on a form furnished by such Engineer, and shall state (1) the name of the person or corporation holding the permit under which such works are constructed, (2) the postoffice address of such person or the place of business of such corporation, (3) the number of such permit, and the date set for the completion of such works under the same, (4) the use for which said water is intended, (5) whether or not such works will be fully completed on the date set for such completion, and the amount of water which such works are capable of conducting to the place of intended use in accordace with the plans of the same accompaning the application for such permit, (6) if for irrigation, the amount of, and the description of the lands for which said water is available according to such plans. In case of all canals or other works designed to divert and carry more than 50 cubic feet per second of water, the facts set forth in such notice to the State Engineer shall be certified to by a well known and competent irrigation engineer.

Upon receipt of such notice by the State Engineer, such engineer shall immediately order its publication for a period of four weeks in some newspaper designated by the person sending such notice and published in the county in which such works are situated. Such published notice

shall also state the date when such proof of completion shall be submitted to such engineer, and the place where the same shall be submitted, and such publication shall be at the expense of the person making such proof.

Such person or persons establishing such proof of completion may offer the affidavits of competent engineers in relation to the grades, dimensions and capacity of such works, and the amount and location of land to which water can be delivered for irrigation. And the State Engineer may, in the case of canals designed to divert fifty cubic feet per second or more, demand that profiles and cross-sections showing the grade of and the finished condition of such works to be filed with him in support of the claims which may be made in relation to the finished condition of such works by the person or persons holding such permit. And in the case of works capable of diverting, on the date set for such completion, the full amount of water for which such works were intended, such State Engineer shall have authority to order the water turned into such works for the purpose of measuring the same.

SEC. 5. On or before the date set for receiving such proof of completion, the State Engineer shall make or cause to be made, a full inspection and examination of the works constructed, and shall make or cause to be made a report on their condition, ascertaining and stating whether or not they conform to the terms of the application and permit and are capable of diverting the amount of water intended, and he shall ascertain how much water such works are capable of diverting and conducting to the place of intended use at the time of such proof of completion, and he shall issue a certificate to the holder of such permit or his assigns, which certificate shall set forth (1) the name of the holder of the permit under which the works were constructed, (2) the number of such permit, (3) the date of the application for the same, (4) the postoffice address of such holder, (5) the condition of such works, (6) the purpose for which they were constructed, (7) the quantity of water which can be diverted by the same and conducted to the place of intended use, (8) and if such water is to be used for irrigation, a description of the lands for which water is made available by such works. The State Engineer shall file such report, and make a record in books kept

in his office for the purpose, of all the facts in relation to the condition of such works and their capacity on the date of such proof of completion.

Whenever it shall be desired to enlarge or extend existing works, or complete works not completed on the date set for such completion. All applications for a permit to make such enlargement, extension or completion shall be filed with the State Engineer, the same as for original construction, and the priority of all rights resulting from such enlargement, extension or completion shall relate to such application.

SEC. 6. Whenever any person or persons feel themselves aggrieved by the determination of the State Engineer in relation to the question of completion of works constructed under a permit issued by him, such person or persons may appeal to the courts: *Provided*, That such appeal shall be taken within sixty days from the date of the certificate relating to such completion by such engineer, and shall be perfected when the appellant shall have filed in the office of the clerk of the district court a copy of the certificate certified by the State Engineer as a true copy together with the petition to such court setting forth the appellants reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by appellant and such like proofs as shall be adduced by the State Engineer or some person authorized in his behalf.

SEC. 7. On or before the date set for the beneficial use of waters diverted under the provisions of this act, which in no case shall be more than four years from the date set for the completion of any canal or other works designed to divert and conduct the public waters of the State to a place of use, or the date for the enlargement or extension or the completion of works for such purpose, the person or persons using such water shall submit proof that they have used such water for the beneficial purpose for which the diversion of such water was intended. Such user of such water shall first notify the State Engineer that he is prepared to prove that such water has been beneficially applied to the purpose for which it was intended. Such notice to the State Engineer shall state (1) the name and postoffice address of such user, (2) the use to which such water has

been applied, (3) the amount used, (4) the place of such use, and, if for irrigation, the description by legal subdivisions, of the lands so irrigated, (5) the name of the canal or ditch or other works by which such water is conducted to such place of use, (6) the relation or understanding upon which the right to take water from such works is based, (7) the source of supply from which such water is diverted, and, (8) the date of the priority which such user is prepared to establish.

Such notice and such written proof as may be required to be submitted by such user shall be upon forms furnished by the State Engineer and such statements shall be sworn to by such user and be supported by the affidavits of two disinterested witnesses.

Upon receipt of such notice by the State Engineer, such engineer shall order its publication in some newspaper designated by such user and published in the county in which the major portion of such land is situated, for a period of four weeks, and shall fix a date when such proof shall be submitted and name a place where such proof will be received.

Such date shall be subsequent to the completion of such publication, and such engineer shall, on or before the date set for such final proof, examine, or cause to be examined, (1) the place where such water is used, and if the use is for irrigation, shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use, (2) the capacities of the ditches or canals or other means by which such water is conducted to such place of use and the quantity of water which has been beneficially applied for irrigation or other purposes. And the State Engineer or the person making such examination under the direction of such engineer shall also, on the date set for such final proof, receive the written statements made by the person or persons submitting such proof and the affidavits of the witnesses, which statements and affidavits, together with a report of the investigation which he is instructed to make, shall be forwarded at once to the State Engineer: *Provided*, That whenever several of such final proofs shall be offered from the same locality, such engineer shall arrange, whenever practicable, to have such notices for pub

lication combined, and to have such examinations made by the same person and on the same date as near as may be with a view of minimizing the expense of taking such proofs, and such publication shall be at the expense of the person or persons submitting such proof.

SEC. 8. Upon receipt by the State Engineer of all the evidence in relation to such final proof, it shall be his duty to carefully examine the same, and if he is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, he shall issue to such user or users a license confirming such use. Such license shall be issued under the seal of the office of the State Engineer and such license shall state the name and postoffice address of such user, the purpose for which such water is used, the quantity of water which may be used, which in no case shall be an amount in excess of the amount that has been beneficially applied. If such use is for irrigation, such license shall give a description by legal subdivisions of the land which is irrigated by such water.

Such license shall bear the date of the application for, and the number of the permit under which the works from which such water is taken were constructed, and the date of the completion of such works, and the capacity of such works on such date of completion, and the date when proof of beneficial use of such water was made; and also state the date of the priority of the right confirmed by such license, which shall be the date of the application for the permit for the construction of the works from which such water is taken and to which such right relates.

And all the licenses which relate to the same permit and which bear the same date of priority shall be numbered alike and shall belong to the same class, and all the rights relating to the same source of supply shall be numbered numerically in the order of the priority of such rights: *Provided*, That whenever proof of the beneficial application of water shall be offered subsequent to the date stated in the permit when such beneficial application shall be made, such proof shall be taken, and, if satisfactory to the State Engineer, a license shall be issued by such engineer the same as though such proof had been made before such date fixed for such beneficial application, but the priority of the

right established by such proof shall not date back to the date of the application for the permit to which such right would relate under the provisions of this act, but shall bear a date which shall be subsequent to the date of such application a time equal to the difference between the date set in such permit for such beneficial application of such water and the date of such proof.

SEC. 9. Such license shall be binding upon the State as to the right of such license to use the amount of water mentioned therein, and shall be prima facie evidence as to such right; and all rights to water confirmed under the provisions of this act, or by any decree of the court, shall become appurtenant to and shall pass with conveyance of the land for which the right of use is granted. And the right to continue the beneficial use of such waters shall never be denied nor prevented from any cause other than the failure on the part of the user or holder of such right to pay the ordinary charges or assessment which may be made or levied to cover the expenses for the delivery or distribution of such water, or for other reasons set forth in this act: *Provided,* That when water is used for irrigation, no such license or decree of the court alloting such waters shall be issued confirming the right to the use of more than one second foot of water for each fifty acres of land so irrigated, and neither such license nor any one claiming a right under such decree shall at any time be entitled to the use of more water than can be beneficially applied on the lands for the benefit of which such right may have been confirmed, and the right to the use of such water confirmed by such license shall always be held subject to the local or community customs, rules and regulations which may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules or regulations have for their object the economical use of such water.

SEC. 10. Upon the issuance of a certificate by the State Engineer in relation to the completion of any canal, ditch or other works constructed under the provisions of this act, a fee, to cover the expense of the examination of such works, shall be paid to the State Engineer by the person or persons submitting the proof of such completion. For all ditches or canals having a capacity of ten (10) cubic

feet per second or less, such fee shall be (5) five dollars. For all ditches or canals having a capacity of more than ten (10) cubic feet per second, such fee shall be at the rate of thirty (30) cents for each second foot of such capacity.

For examining the ditches and lands of the user at the time of making final proof of the application of water, a fee of two (2) dollars shall be paid to the State Engineer at the time of making such proof for each legal subdivision of forty (40) acres or fraction thereof to which such water may have been applied. For examining the ditches or other works and the place where such water is used, when such use is not for irrigation, a fee of five (5) dollars shall be paid the State Engineer at the time of making such examination and taking the proof of such use: *Provided,* That in the case of water used for irrigation where two or more users, whose lands join or who take water from the same common lateral, join in the publication of the notice of their intention to make such proof of application, a fee of one (1) dollar for each legal subdivision of forty (40) acres or fraction thereof receiving such water shall be paid to the State Engineer at the time of making such proof. For making certified copies of any papers on file in his office the State Engineer shall charge a fee at the rate of twenty (20) cents per folio. All fees received by the State Engineer under the provisions of this act shall be recorded in a fee book and shall at once be turned over to the State Treasurer and placed in the general fund of the State.

SEC. 11. All rights to the use of water acquired under this act or otherwise, shall be lost and abandoned by a failure, for the term of two years, to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through non-use or abandonment, such right to such water shall revert to the State and be again subject to appropriation under this act: *Provided, however,* That any person owning any land to which water has been made appurtenant either by a decree of the court or under the provisions of this act may voluntarily abandon the use of such water in whole or in part on the land which is receiving the benefit of the same, and transfer the same to other land. Such person desiring to change the place of use of such water shall first make

application to the State Engineer, stating fully in such application the reasons for making such transfer. Such application shall describe the land, the use of the water on which is to be abandoned, and shall describe the land to which it is desired to have such right transferred, and if such water is to be conducted to such land through another canal or lateral of from a different point of diversion than the one described in the license or decree of the court confirming such right, such facts shall be fully set out in such application, and, if the State Engineer shall require it, a plat showing the location of such land and ditches or canals or points of diversion shall be furnished by such applicant, and upon receipt of such application, the State Engineer shall examine the same and shall, provided, no one shall be injured by such transfer, issue to such applicant under the seal of his office a certificate authorizing such transfer, which certificate shall state the name of the applicant and shall contain a copy of the license or an abstract of the decree confirming the right to the use of water upon the land from which it is desired to transfer such right and a description of the land to which such right is transferred. And a fee of one dollar shall be paid the State Engineer by such applicant for such certificate of transfer issued by him, and such application and certificate shall be recorded by such State Engineer in a book kept for that purpose, and a notice that such transfer has been authorized shall be sent by the State Engineer to the water commmissioner of the district in which such land is situated, and such water commissioner shall notify the water master of the stream furnishing water for the irrigation of such lands of the transfer of such use, and such water master shall not thereafter divert onto the lands, the water for which has been so abandoned, any of such water, but shall divert such water from such stream so that it may be used on the lands to which such right has been transferred.

SEC. 12. Any person desiring to protest against the statements made by the person or persons submitting proof of the beneficial application of water in the published notice of their intention to submit such proof, shall file a statement with the State Engineer on or before the date set for such proof, stating clearly the reason for such protest, and stating the reason, if any, why a license should

not be issued confirming the right claimed. Such protest shall be based solely upon the statements in such notice and shall be sworn to by such protestant.

In issuing a license confirming any right to use water for beneficial purposes, the State Engineer shall be governed in his actions by the records relating to works from which such water is taken which may be on file in his office, and by the reports of the examination of such works, the place where such water is used, and the extent of such use as made by such engineer or his representative. And such license may confirm such claim in whole or in part, or such license may be refused, such determination depending upon the extent to which such claim is supported by such records, and such examination of the conditions relating to such use made on the ground under the authority of such State Engineer. If the State Engineer shall refuse to issue a license, the reasons for such refusal shall be recorded in a book kept for the purpose: *Provided,* That any one feeling himself aggrieved by the statements contained in the license issued by the State Engineer, or his refusal to issue such license may appeal therefrom to the district court of the county in which the place of use of the water claimed shall be situated. Such appeal shall be within sixty days from the date of such license or the refusal to issue such license, and shall be perfected when the appellant shall have filed in the office of the clerk of such district court a copy of the license, or, if such license shall not have been issued, a copy of the statement made by the State Engineer giving the reasons why such license was not issued, a copy of the protests against the issuing of such license filed in the State Engineer's office, and a copy of the report of the examination of the place of use of such water made under the authority of the State Engineer, and of other documentary proof in relation to such use which may be filed in the office of such engineer. Such copies of licenses, reports, protests and other proof shall be certified by the State Engineer as true copies. Such copies shall be filed in the office of such clerk together with a petition to such court setting forth the appellant's reason for appeal. Such appeal shall be heard and determined upon such competent proof as shall be adduced by appellant, and such like

proofs as shall be adduced by the State Engineer or some person duly authorized in his behalf.

SEC. 13. For the purpose of administering and controlling the public waters, the State of Idaho is hereby divided into three water divisions denominated water division No. 1, water division No. 2, water division No. 3.

SEC. 14. Water division No. 1 shall consist of all lands within this State drained by the Snake river and its tributaries as far west as American Falls, and all lands within this State drained by Bear river and its branches, and by other streams flowing on the slope of the Salt Lake basin.

SEC. 15. Water division No. 2 shall consist of all lands in this State drained by Snake river and its tributaries on the south side from Bruneau river and by the Snake river and its tributaries on the north side from American Falls to and including the Malad river, also all lands in this State drained by the streams flowing toward and sinking near the northern edge of the Snake river plains, and the lands in this State drained by the Salmon river and its tributaries as far west as the south fork of said river.

SEC. 16. Water division No. 3 shall consist of all lands within this State drained by the Snake river and its tributaries on the south side from the mouth of the Bruneau river to, and including the Owyhee river, and by the Snake river and its tributaries on the north side from the mouth of the Malad river to and including the Clearwater river, excepting that portion of the water shed of the Salmon river included in water division No. 2, and all that portion of the State lying north of the watershed of said Clearwater river.

SEC. 17. There shall be appointed one water commissioner for each of the water divisions by this act created, who shall be appointed by the Governor, with the consent of the Senate, and who may be removed for cause.

SEC. 18. One of said water commissioners first appointed, shall be appointed to hold office for a period of six years, one shall be appointed to hold office for four years, and one for two years, or until their successors are appointed and shall have qualified; but at the expiration of the first said terms of said office, said water commissioners shall each be appointed to hold office for a period of six years, or until their successors are appointed and shall have qualified.

Such water commissioners shall possess such theoretical knowledge of the science of hydraulics as will enable him to supervise the construction of such measuring devices as may be necessary to place in any ditch, canal or stream for the proper measurement of the water. He shall be acquainted with the streams of his district and shall be capable of instructing the water master who may be placed in charge of such streams in all matters in relation to the distribution of the water of such streams in accordance with the priorities of the rights of those using such waters.

SEC. 19. Each commissioner shall reside in the water division for which he is appointed. The commissioner of each water division shall have immediate direction and control of the acts of the water masters and of the distribution of water from all the streams to the canals diverting therefrom in his division, and shall perform such duties as shall devolve upon him as a member of the Board of Irrigation. He shall also, under the general supervision of the State Engineer, execute the laws relative to the distribution of water in accordance with the rights of priority of appropriation.

SEC. 20. Said water commissioners shall each be paid ten dollars per day for every day actually consumed in the performance of his duties as such water commissioner: *Provided,* That no commissioner shall be employed in the duties of his office for more than one hundred and eighty days during each year.

For services performed as a member of the Board of Irrigation he shall be paid by the State Treasurer upon warrants drawn by the State Auditor for the time actually spent in performing his duties as a member of such board as shown by an itemized bill certified to by the State Engineer.

For services performed in supervising the distribution of the public waters of the streams within his division he shall be paid by the county in which such duties are performed, and shall present a sworn statement to the board, of county commissioners at a regular meeting of said board, which statement shall show the time spent and the duties performed, and the said board shall pay such bill by issuing to said commissioner a warrant drawn on the current expense fund of the county.

SEC. 21. Before entering upon the duties of his office

such water commissioner shall take and subscribe an oath before some officer authorized by the laws of the State to administer oaths, to faithfully perform the duties of his office, and file with the Secretary of State said oath and his official bond in the penal sum of five thousand dollars, with not less than two sureties to be approved by the Governor of the State, and conditioned for the faithful discharge of the duties of his office.

SEC. 22. There is hereby constituted a State Board of Irrigation composed of the State Engineer and the water commissioners of the three water divisions. Said board shall have an office with the State Engineer in the capitol at Boise, and shall hold one meeting each year for the transaction of such business as may come before it, the first meeting to begin on the first Monday in April, 1903, but each meeting thereafter shall begin on the first Monday in March: *Provided,* No meeting of said board shall exceed five days. The State Engineer shall be ex-officio president of said board, and shall have the right to vote on all questions coming before it, and a majority of all the members of the said board shall constitute a quorum to transact business: *Provided,* That all acts of said board shall be approved by a majority of its members. The commissioner of water division No. 3, shall be the secretary of the State Board of Irrigation, and it shall be his duty to keep a full, true and complete record of the transactions of said board. Such meeting of such State Board of Irrigation may be held at any place in the irrigated portion of the State which may be selected by the State Engineer for such meeting, and such board of irrigation shall provide rules and regulations in relation to making of proof of completion of works constructed under the provisions of this act and of the proof of application of the water as provided for in this act, and shall also devise all needful rules for the distribution of water from the streams in accordance with the priorities of the rights of the users thereof. And such commissioners shall, on or before the first day of December of each year submit to the State Engineer a report of work done by them in their districts, and shall recommend such changes in the irrigation laws and rules and regulations governing the diversion of water as would, in their judgment, be beneficial to the people of the State.

SEC. 23. The board of irrigation shall divide the State into water districts, said water districts to be so constituted as to secure the best protection to the claimants for water, and the most economical supervision on the part of the State, the water districts which shall be first created are those which will embrace the streams whose waters have already been alloted by the district court the distribution of which shall, by the provisions of this act, be under the control of the water commissioners of the divisions in which such stream or streams are situated. Other districts shall be created from time to time as the appropriations and priorities thereof from the streams of the State shall be confirmed or adjudicated: *Provided,* That when any company or association owning irrigation works whose water supply is not distributed under a sale or rental thereof, shall petition the water commissioner to appoint a water master to take charge of the distribution of water from such works, such water master shall be appointed and he shall deliver to each user the quantity of water to which he may be entitled; and such water master so appointed shall be paid for such services in the manner provided in Sections 28 and 29 of this act: *Provided,* In the case of a stream whose waters have been alloted when the distance between the extreme points of diversion on such stream is not more than twenty miles, the users of water from such stream may elect a water master to distribute the water of such stream and fix his compensation therefor in the manner provided in Section 24 of this act for the election of water masters.

SEC. 24. For each water district created under the provisions of this act, there shall be appointed on or before the first day of March of each year, one water master, who shall be appointed by the commissioner of the division in which the water district is situated. Each water master shall hold office for one year or until his successor is appointed and shall have qualified. The said water commissioner may at any time remove any water master for failure to perform his duty as such water master, upon complaint in that respect being made to him in writing.

Before entering upon the duties of his office, said water master shall take and subscribe an oath before some officer authorized by the laws of the State to administer oaths, to faithfully perform the duties of his office and shall file

with the clerk of the district court in the county in which said water master resides, said oath and his official bond in penal sum of five hundred ($500.00) dollars, with not less than two sureties to be approved by the Judge of the probate court of the county in which he resides, and conditioned for the faithful discharge of the duties of his office: *Provided,* That any vicinity or neighborhood, the inhabitants of which use the waters of any ditch, stream or spring for the purpose of irrigation, or have or claim a common right to the waters of any ditch stream or spring for such purpose, provided the waters so claimed or used have not been alloted to the individual users thereof, shall constitute a water district, and a majority of such water users having such common right may annually on the third Monday of February at a meeting of such inhabitants, elect a water master for such district whose duty it shall be to superintend the distribution of such waters among those having such common right or accustomed to participate in such common use. The water master of the district, or if there be no water master, or upon his failure or neglect to do so, any six residents of the district entitled to such common right must give three days' public notice of the time and place of such election, by placing printed or written notices thereof in three of the most public places in the district, said meeting must be opened at 10 o'clock in the forenoon, and the majority of those present who are entitled to such common right may organize the same and determine the manner of such election and whether the same be by ballot or otherwise.

The water master must execute to the county in which his district is situated, and file in the office of the county recorder for the benefit of any person who may be injured by his wanton or illegal act or commission as such, a bond in the sum of five hundred (500) dollars, with two sufficient sureties which shall be approved by the judge of the probate court of the county in which such district is situated, and conditioned for the faithful and impartial discharge of his duties as water master of his district, and any person so injured may have an action on such bond in his own name for his actual damages. Such water master may employ one or more deputies as authorized by the inhabitants of his district claiming such common right as aforesaid, and he is liable for their wanton or il-

legal acts upon his official bond, and before entering upon their duties the water master and his deputies must take and subscribe an oath before any magistrate, to faithfully discharge the duties of their office, and they may receive such compensation, to be paid in such manner as may be agreed upon with such users and shall have the same power as the water masters appointed by the water commissioners under the provisions of this section; and said elected water master shall be under the direction and authority of the said water commissioner.

Such water master and his deputies must regulate the distribution of water among the several ditches of his districts, and among the several water users who are entitled and accustomed to the use thereof, according to their respective rights and necessities, and when the quantity of water is not sufficient to afford a full supply to those entitled or accustomed to use the same, according to the usage of the district, such water master and his deputies must regulate the quantity used by each person, and the time at, and during which each person may use the same; and such customs or usage must be upheld by the said water commissioners and by the courts of the State when such customs have for their object the economical distribution of the waters of such district: *Provided,* Nothing in this section must be so construed as to interfere with the vested rights of individual companies or corporations, or in any manner to interfere with the rights of individuals, companies or corporations, to the use and control of water, the right to the use of which is or may be their private property.

SEC. 25. All water masters shall make reports to the water commissioners of their division as often as may be deemed necessary by said commissioners. Said reports shall contain the following information: The amount of water necessary to supply all the ditches, canals and reservoirs, of that district, the amount of water actually coming into the district to supply such ditches, canals or reservoirs, whether such supply is on the increase or decrease; what ditches, canals and reservoirs are at times without their proper supply, and the probability as to what the supply will be during the period before the next report will be required, and such other information as the water commissioner of that district may suggest. Said water

commissioner shall carefully file and preserve such reports, and shall from them ascertain what ditches, canals and reservoirs are and what are not receiving their proper supply of water and if it shall appear that in any district of that division any ditch, canal or reservoir is receiving water whose priority post-dates that of the ditch, canal or reservoir in another district as ascertained from his registrar, he shall at once order such post-date ditch, canal or reservoir shut down and the water given to the elder ditch, canal or reservoir, his orders being directed at all times to the enforcement of priority of appropriation according to his tabulated statement of priorities, to the whole division and without regard to the district within which the ditches, canals or reservoirs may be located. The reports of water masters to the water commissioners of irrigation shall be filed and kept in the office of the State Engineer.

SEC. 26. It shall be the duty of said water master to divide the water in the natural stream or streams of his district among the several ditches taking water therefrom according to the prior rights of each respectively in whole or in part and to shut and fasten, or cause to be shut and fastened, under the direction of the water commissioner of his water district the head gates of ditches heading in any of the natural streams of the district, when, in times of scarcity of water, it is necessary so to do by reason of priority of rights of others taking water from the same stream, or its tributaries. Every person who shall wilfully waste water for irrigation, or who shall wilfully open, close, change or disturb, or interfere with any head gate or water box or measuring device without authority shall be fined a sum not exceeding one hundred (100) dollars, or be imprisoned in the county jail for a term not to exceed six months or by both such fine or imprisonment. The water masters or their assistants, within their district, shall have power to arrest any person or persons offending, and turn them over to the sheriff or the nearest peace officer of the county in which such offense is committed and immediately upon delivering such person so arrested into the custody of either of such officers, it shall be the duty of the water master making such arrest to immediately, in writing and under oath, make complaint be-

fore the proper justice of the peace or the probate judge of such county against the person so arrested.

SEC. 27. Said water masters shall not begin their work until they have been called upon by two or more owners or managers of ditches, or persons controlling ditches, in the several districts by application in writing, stating that there is a necessity for the use of water, and they shall not continue performing services after the necessity therefor shall cease.

SEC. 28. Said water master shall have power, in case of emergency, with the approval of the water commissioner to employ suitable assistants to aid him in the discharge of his duties, who shall take the same oaths as the water master, and shall obey his instructions and shall be entitled to not to exceed three (3.00) dollars per day for every day he is employed, to be paid upon certificates of the water commissioner in the same manner as provided for the payment of water masters: *Provided,* That not more than one assistant shall be appointed to each twenty miles of the stream whose waters have been alloted.

SEC. 29. Water masters herein provided for shall each be entitled to pay at the rate of not to exceed four dollars per day for each day he shall be actually employed in the duties of his office. Said water master shall make up a sworn statement which shall be verified by the water commissioner, which statement shall show the number of days said water master had devoted to the distribution of such water, and the number of days his assistant or assistants have devoted to the same purpose, and such statement shall also show the volume of water, stated in cubic feet per second he has by virtue of the allotment of said waters, delivered to each user each day, and shall describe the lands to which said water was so delivered. The pay for the services of said water master shall be a charge against the land of the users to which said water was so delivered, the amount charged to each user bearing the same proportion to the total expense for the services of said water master and his assistants as the volume of water received by said user bears to the total volume delivered to all users by the said water master and his assistants. This statement which shall show the proper distribution of the said expenses among the various users, shall be filed with the auditor and recorder of the county or

counties in which the said water was delivered: *Provided,* That when any portion of the alloted waters are distributed by said water master to the canal of any duly organized canal company, the amount of the expense chargeable for such services shall be a charge against such canal, and the amount of such charge to be paid by the county in the manner herein provided, shall be charged as a tax against such canal, which tax shall be collected in the manner provided by law for the collection of other taxes, and that no canal in this State shall be exempt from the payment of such a tax.

SEC. 30. A bill, based upon such statement for the services performed by the said water master and his assistants shall be presented at a regular meeting of the board of county commissioners who shall order a warrant issued to said water master or his assistants on the current expense fund of the county. The auditor and recorder of said county shall add to the amounts charged to the land of the users and to such ditches to which said water was delivered, to the taxes of said land or ditches, as may be, for the following year, which shall be collected along with other taxes and be turned into the current expense fund of the county.

SEC. 31. The appropriator of any of the public waters of the State shall maintain, to the satisfaction of the water commissioner of the district in which such appropriation is made, a substantial head gate at the point where the water is diverted, which shall be of such construction that it can be locked and kept closed by the water master or other officer in charge; and such appropriation shall construct and maintain, when required by the water commissioner, a rating flume or other measuring device as near the head of such ditch as is practicable, for the purpose of assisting the water master in determining the amount of water that may be diverted into said ditch from the stream. Plans for such rating flumes or other measuring devices shall be furnished by the State Engineer. It shall also be the duty of those taking water from a stream whose waters have been alloted, to place at suitable intervals on said stream, under the direction of the water commissioner of the division in which such stream is situated, suitable measuring devices, so that the flow of such stream may be properly measured. If any user or appropriator of public

waters that may or may not have been alloted, should neglect or refuse to put in such head gates or measuring devices as will provide for the proper distribution of said water according to the rights of the several parties entitled to the use thereof, after ten days' notice to do so by the water commissioner, it shall be the duty of said commissioner to put in such head gates, flumes or measuring devices at the expense of the county where the expense is incurred, and said water commissioner shall make up a sworn statement of the cost of such head gates, flumes or measuring devices, which shall be presented to the board of county commissioners at their first regular meeting after the performance of such work, and said county commissioners shall present a bill of costs to the owners of said ditch or ditches: *Provided,* That if the owner of any such ditch shall refuse or neglect for ten days after the presentation of such bill of costs to pay the same, or any other charge made against such ditch or the owner thereof under the provisions of this act, the water commissioner shall order the head gate of such ditch closed and locked, and such head gate shall remain closed and locked until such charge or charges shall be paid.

SEC. 32. Such water commissioner shall, in the distribution of water from the streams to the canals, be governed by this act and the practices followed by the irrigators on the various streams and under the various ditches in his district where such practices have for their object the economical use of the common water supply, but, for the better discharge of his duties, he shall have full authority to enforce such other regulations as may be devised by the Board of Irrigation, as will secure the equal and fair distribution of water and tend to reduce the waste or loss from seepage or evaporation during irrigation to the minimum, or increase the efficiency of the quantities alloted to the irrigators.

SEC. 33. It shall be the duty of the State Engineer or some qualified assistant to proceed, as soon as may be after the passage of this act, to make an examination of the streams of the State (beginning with those whose waters have not yet been alloted), and the works diverting water therefrom, said examination to include the measurement of the discharge of said streams and the carrying capacity of the various ditches and canals diverting water

therefrom; an examination of the irrigated lands, and an approximate measurement of the lands irrigated or susceptible of irrigation, from the various ditches and canals, which said observations and measurements shall be reduced to writing and make a matter of record in his office, and it shall be the duty of the State Engineer to make or cause to be made, a map or plat on a scale of not less than one inch to the mile, showing, with substantial accuracy, the course of the stream, the location of each ditch or canal diverting water therefrom, and the legal subdivisions of land which have been irrigated, and shall also note on such map the lands which are susceptible of irrigation from the ditches and canals already constructed. And such examination shall be made as rapidly as possible to include all the streams used for irrigation in the State. And the State Engineer shall indicate on such map the lands, the water rights for which have been adjudicated by the courts, noting on each tract the number of the priority of such rights, and whenever an application for a permit to appropriate water from a stream shown on such map shall be allowed, such engineer shall indicate on such map the line of such canal or ditch or other works, and indicate by appropriate colors the lands to be irrigated by such works, and shall note thereon the number of such permit. And whenever proof is made that water has been beneficially applied from such works to any of such lands, and license shall be issued for the same as in this act provided, the number of such license so issued shall be at once noted on such map on the sub-division of such lands to which such license shall relate, and all these and other facts relating to the development of irrigation on such stream shall be carefully posted on such map.

SEC. 34. In cases where the waters of any stream used for irrigation, domestic or milling purposes have, by a decree of a court of competent jurisdiction, been adjudicated and alloted, it is hereby made the duty of the water commissioner of the district in which such stream is situated, within three months after the taking effect of this act, to forthwith institute an action in the district court of the county wherein such decree was entered and recorded, or if in more than one county, then in the county to be selected by such water commissioner, against any and all persons claiming a right to the use of the waters of said

stream or streams or either of them for purposes of irrigation, or for domestic or other purposes, and which persons shall not, for any reason, have been included in, or his right shall not have been settled and adjudicated by said decree, and against each and every party to said decree who shall claim or assert any right in addition, or of a date subsequent to the date of such decree. In entitling said action, it shall be sufficient to refer to the defendants as "all claimants of a right to the use of the water of ..... (giving the name of the stream as given in said decree) whose rights have not yet been adjudicated." Service of summons upon said parties shall be by publication in a newspaper of general circulation published in the county where such decree is entered and through which said stream flows, and if in more than one county, then in some newspaper of general circulation published in each of said counties, in the same manner and for the same length of time as is now provided for publication of summons out of the district court, except that no affidavit to obtain order for publication of said summons, and no order for publication of the same shall be required, and the affidavit of the publisher, proprietor, business manager or editor of such newspaper that such summons has been duly published in such newspaper at least once a week for a period of not less than one month shall be conclusive evidence of such publication and of due service of said summons upon each and every of the defendants.

SEC. 35. Upon the filing of the said complaint by the said water commissioner, any person or persons, parties to said decree or claiming any right or rights thereunder, may appear by complaint in intervention, or answer, and contest the right of any or all of the parties defendant in said action to use the waters of said stream or any part or portion thereof, and the proceedings henceforth shall be conducted in the same manner as actions for the adjudication of water rights upon the streams of this State, and the decree rendered in said action shall be deemed a part of and supplementary to the original decree, to be enforced in the same manner. The costs and disbursements incurred by said water commissioner in the prosecution of said action, including a reasonable attorney's fee to be allowed by the court, shall be included in the sworn state-

ment provided by law to be filed by the water commissioner with the auditor and recorder of the county or counties through or into which said stream or streams shall flow, and shall be apportioned, collected and paid in the same manner as the expenses of water master and his deputies are apportioned, collected and paid, and the same shall constitute a lien upon real estate in the same manner and to the same extent as such expenses of the water master and his deputies.

SEC. 36. During the time that said action shall be pending, and prior to a final adjudication therein, the use of the water of said stream or streams by the defendants in said action shall be under the control of the water commissioner, and, upon the application of the water master of such stream, shall be authorized to issue all needful orders and directions and prescribe all needful rules for the distribution of water to said defendants; pending a final determination of said action: *Provided,* Nothing herein contained shall be construed as depriving any person aggrieved of his right to apply for an injunction to restrain the defendants or one or more of them from the use of said water.

SEC. 37. Whenever suit shall be filed in the district court for the purpose of adjudicating the priorities of rights to the use of water from any stream in the State and before such adjudication is made, the judge of such court shall request the State Engineer to make an examination of such stream and the canals and ditches diverting water therefrom and of all the land being irrigated by such canals and ditches and other works and the lands susceptible of reclamation therefrom in the manner provided in section thirty-three (33) of this act, and such State Engineer shall prepare a map showing such stream, canal and ditches and the lands thereunder as provided in such section and a statement which shall give the condition of such works, their capacity and the amount of land irrigated from each of such canals, ditches or other works and other essential features in relation to the reclamation of the lands tributary to such stream. And such map and statement shall be accepted as evidence in the determination of such rights by such court, and a copy of such map and statement shall be placed on file in the office of the State Engineer.

Whenever the State Engineer shall make such examination at the request of the court or the judge thereof, the actual cost of making such examination by the State Engineer or his assistant and of preparing such maps and statement as shown by sworn statement of such costs prepared by such State Engineer, shall be paid by the persons interested in such suit for the determination of such priorities, the amount of such costs to be prorated by such court to the persons whose rights have been adjudicated by such suit. In case the State Engineer has already made such examination as provided in Section (33) of this act, he shall be requested by the court or the judge to furnish a certified copy of the records of the examination, which shall be brought up to date by a further examination on the ground by such engineer if need be, and such certified copies of such records shall be filed and received as evidence in such case as in this section provided.

SEC. 38. In alloting the waters of any stream by the district court according to the rights and priorities of those using such waters, such allotment shall be made to the use to which such water is beneficially applied, and when such water is used for irrigation, the right confirmed by such decree or allotment shall be appurtenant to and shall become a part of the land which is irrigated by such water, and such right will pass with the conveyance of such land, and such decree shall describe the land to which such water shall become so appurtenant. And the amount of water so alloted shall never be in excess of the amount actually used for beneficial purposes for which such right is claimed: *Provided*, That in the case of works capable of diverting more water than is applied to a beneficial purpose at the time the rights of the person or persons owning or using such works are adjudicated by the court, the right only to the water beneficially applied at the time of making such allotment shall be confirmed by the court, and the court shall ascertain the amount of water which can be diverted through such works in excess of such quantity beneficially applied, and shall set a time when such amount shall be applied to the beneficial purpose for which it is intended, which time shall not exceed four years from the date of the decree issued by such court under such adjudication, and any person using any of such

water which was not beneficially applied at the time of such adjudication shall, before the expiration of the time set for such beneficial application, make proof of such beneficial use in the manner provided in Section seven (7) of this act, and such right, when confirmed in the manner provided in this act shall relate to the priority established by such court, and if such application of any of such water shall be made subsequent to such date, then the priority of the right to the use thereof shall be determined in the manner provided in Section eight (8) of this act.

SEC. 39. Within thirty days from the passage of this act, it shall be the duty of the clerk of the district court in each of the counties of this State to prepare at the expense of the county and transmit without delay to the State Engineer by express or registered mail, a certified copy of the allotments of the various streams made by the district court and now on file in the offices of the district court in the various counties of the State: *Provided,* That said clerk may, in place of such transcript, transmit such original records of such decrees as are recorded in books kept for that purpose.

Immediately upon receipt of said transcripts or said original records, it shall be the duty of the State Engineer to record them in a book kept for that purpose and to classify and arrange said decrees by placing all the rights to water of one stream and its tributaries together, and he shall send to each water commissioner a certified copy of the allotments made by the district court of all the streams within his district.

And when an allotment of the waters of a stream shall be made by the district court, the clerk of such district court shall immediately prepare, at the expense of the county and transmit to the State Engineer a certified copy of the decree alloting such waters.

SEC. 40. Upon receipt by such water commissioner of such certified copies of such decrees of allotment, such commissioner shall arrange all the decrees relating to each separate stream, and number them in the order of their priorities and shall cause them to be printed in a neat pamphlet form and shall supply each user of water on such stream with a printed copy of such decree.

And such water commissioner shall, on or before the first day of January of each year thereafter, cause to be

printed a list of all decrees or licenses which may be issued from time to time to the users of water from any stream within his district, such list to state the name of the person to which such decree or license has been granted, the date of the priority, of the right, the amount of water granted, the description of the land to which it is supplied, and the number of such decrees or licenses, which numbers shall be in the order of the priorities of the rights under decrees or licenses, and each user of water on such stream shall be provided with a copy of such list of rights, and the expense of printing such decrees and such lists of rights shall be borne by the users of water on such streams and shall be charged to such users as a part of the expenses of distributing water to such users, and shall be paid in the manner provided for the payment of the expenses and compensation of the water masters.

SEC. 41. All rights to divert and use the waters of this State for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this act. And after the passage of this act, all the waters of this State shall be controlled and administered in the manner herein provided, and all acts or parts of acts which may be in conflict with this act are hereby repealed.

SEC. 42. Whereas an emergency exists this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 11th, 1903.

HOUSE BILL NO. 151.

AN ACT

FIXING THE SALARY AND COMPENSATION OF CERTAIN OFFICERS OF THE EXECUTIVE DEPARTMENT OF THE STATE AND COMPENSATION OF THE JUSTICES OF THE SUPREME COURT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction, shall, during their continuance in office, receive for their services compensation as follows:—

Governor, five thousand dollars per annum; Secretary of State, two thousand four hundred dollars per annum; State Auditor, two thousand four hundred dollars per

annum; Attorney General, three thousand dollars per annum; State Treasurer, four thousand dollars per annum; and Superintendent of Public Instruction, two thousand four hundred dollars per annum, State Mining Inspector, one thousand eight hundred dollars per annum, such compensation to be paid quarterly, as due, out of the State Treasury and to be in full for all services, by said officers, respectively, rendered in any official capacity or employment whatever during their respective terms of office; but no such increase of compensation shall affect the salaries of such officers during their present term in office: *Provided, however,* That the actual and necessary expenses of the Governor, Lieutenant Governor, Secretary of State, Attorney General and Superintendent of Public Instruction while traveling within the State, or between points within the State, or in the performance of official duties, shall be allowed and paid by the State; not, however, exceeding such sum as shall be appropriated for such purpose.

No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance, and deposited with the State Treasurer quarterly, to the credit of the State.

SEC. 2. The salary of the Justices of the Supreme Court shall be four thousand dollars per annum, such compensation to be paid quarterly, out of the State Treasury; but no Justice of the Supreme Court shall be paid his salary, or any part thereof, unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which has been finally submitted for his coonsideration and determination, thirty days prior to his taking and subscribing such oath.

Approved the 14th day of March, 1903.

HOUSE BILL NO. 152.

AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR AN INSURANCE COMMISSIONER, DEFINING HIS DUTIES AND REGULATING HIS COMPENSATION, AND TO REGULATE LIFE INSURANCE IN THE STATE AND TO REPEAL EXIST-

ING LAWS IN RELATION THERETO," APPROVED MARCH 18, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That section 6 of chapter 2 of an act entitled "An act to provide for an Insurance Commissioner, defining his duties and regulating his compensation, and to regulate life insurance in this State, and to repeal existing laws in relation thereto," approved March 18th, 1901, is hereby amended to read as follows:

Section 6. Every corporation formed for the purpose of mutual insurance on the life or health of persons, or against accidents to persons for life or for any fixed period of time, or to purchase and sell annuities, before it shall be permitted to do business in this State, must have a paid up capital of one hundred thousand dollars or cash assets of that amount invested as required by the laws of this State regulating other insurance companies.

SEC. 2. That section 19 of chapter 2 of said act is hereby amended to read as follows:

Section 19. No life insurance corporation or company subject to the provisions of this act shall make any discrimination in favor of individuals of the same class or of the same expectation of life, either in the amount of premiums charged or in any return of premiums, dividends or other advantages, and such corporation or company, or agent of such corporation or company shall not make any contract for insurance, or agreement as to such contract, other than that which is plainly expressed in the policy issued. No such corporation or agent thereof shall pay or allow, or offer to pay or allow, as an inducement to any person to insure, any rebate of premium or any special favor or advantage whatever in the dividends to accrue thereon, or any inducement whatever not distinctly specified in the policy. A violation of the provisions of this section shall constitute a misdemeanor and, upon conviction, shall subject the party offending to the payment of a fine of not more than three hundred dollars or imprisonment in the county jail for a period not exceeding six months or both such fine and imprisonment, and, if it shall appear to the satisfaction of the Insurance Commissioner, that any corporation is issuing policies or making contracts that are in violation of this

section, he shall, upon the written approval of the Attorney General, revoke the license of such corporation or its agent, or both, to do business in this State. Any such insurance corporation or company, or the agents of such corporation or company, shall, upon demand, in writing by the Insurance Commissioner, furnish him with the form, or forms, of all insurance policies, the form or forms of all contracts for insurance and the form or forms of any other paper, or papers, pertaining to any contract for insurance, or the maintenance of the same, issued. used, or intended or authorized to be issued or used by said corporation or company or by its agents or representatives in and about the business of life insurance carried on by said corporation or company, and upon a failure on the part of said corporation or company, or its agents or representatives, to comply with such demand within a period of fifteen days after service of the same, the Insurance Commissioner shall revoke the license of such corporation or company, or its agents, or both, to do business in this State. Service of such demand upon an agent of said corporation or company within this State or a deposit of the same in the postoffice registered, and addressed to the home, or reputed home office of said corporation or company, shall be sufficient service thereof.

SEC. 3. That section 14 of chapter 2 of said act is hereby amended to read as follows:—

Section 14. The commissioner shall collect from each accident, health, fire, marine, inland, casualty or fidelity company, transacting business in this State an annual license of fifty dollars; for filing certified copies of its articles of incorporation, ten dollars; for filing annual statement, ten dollars; for each fire agents certificate of authority, three dollars; said fire agents certificates transferable to successors in office for unexpired term, for each life insurance company an annual license of fifty dollars; for filing a certified copy of its articles of incorporation, ten dollars; for filing each annual statement, ten dollars; for each agent's certificate of authority, five dollars; payable at the time of filing the first statement, and with the exception of fee for filing the articles of incorporation, an-

nually thereafter at the time of filing the annual statement in April of each year, and before he shall issue his certificate of authority.

Blank licenses shall be issued and signed by the State Auditor to the Insurance Commissioner from time to time, as required, and charged to him. The Insurance Commissioner shall make monthly reports on the first of each month to the Auditor of the number of licenses issued by him. The money derived from the sale of licenses and for filing or other fees under this act shall be paid into the general fund of the State.

SEC. 4. Whereas, an emergency exists therefor this act shall take effcet and be in force from and after its passage.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 154.

AN ACT

TO BE ENTITLED, "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS AND THE CONSTRUCTION AND MAINTENANCE OF A SYSTEM OF DRAINAGE AND TO PROVIDE FOR THE MEANS OF PAYMENT THEREOF, AND DECLARING AN EMERGENCY."

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Any portion of a county requiring drainage, which contains five or more inhabitants and free holders therein may be organized into a drainage district, and when so organized such district and the board of commissioners hereinafter provided for, shall have and possess the power herein conferred by law upon such district and board of commissioners, and said district shall be known and designated as drainage district No..... (here insert number), of the county of..... (here insert the name of the county), of the State of Idaho, and shall have the right to sue and be sued by and in the name of its board of commissioners hereinafter provided for, and shall have perpetual succession, and shall adopt and use a seal. The commissioners hereinafter provided for and their successors in office shall, from the time of the organization of such drainage district, have the power, and it shall be their duty, to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agent, officers and employees as may be required, and pre-

scribe their duties, and perform such other acts as hereinafter provided, or that may hereafter be provided by law.

SEC. 2. For the purpose of the formation of such drainage districts, a petition shall be presented to the board of county commissioners of the county in which said proposed district is located, which petition shall set forth the object for the creation of said district; shall designate the boundaries thereof and set forth therein the number of acres of land to be benefited by the proposed drainage system, and shall also contain the names of all the freeholders residing within said proposed district (so far as known), and shall contain a brief description of the proposed system of drainage, designating a point which shall be an outlet for the drainage of said district; the route over which the same is to be constructed, together with the proposed spurs or branches, if any there may be, and the termini thereof, and set forth the further fact that the establishment of said district and the proposed system of drainage will be conducive to the public health, convenience and welfare, and increase the public revenue, and that the establishment of said district and said system of drainage will be of special benefit to the property included therein. Said petition shall be signed by such a number as own at least a majority of the acreage in the proposed district, and shall pray that the same be organized under the provisions of this act. Said petitioners shall, at the time of the filing of said petition, file a bond with said commissioners, running to the State of Idaho, in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, conditioned that they will pay all costs in case said district, for any reason, shall not be established.

SEC. 3. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be published or printed in such county, then in some such newspaper of general circulation therein, before the time at which the same is to be presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing the board of county commissioners shall hear the same, or

may adjourn said hearing from time to time, not exceeding one month in all, and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon a final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of free holders residing within said boundaries of the said proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided,* That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further,* That any person or persons owning land within the proposed boundaries and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; setting forth in said petition the reasons therefor: *Provided, however,* That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided further,* That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries. In such case the board of county commissioners shall give the like notice as provided for in this section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county commissioners deem it advisable, and to the best interest of all concerned, they may

grant the prayer of such petitioner or petitioners in whole or in part. No district shall be established unless it is shown an outlet for the drainage thereof is within the boundaries of the county in which such district is located. And said board of county commissioners of such county shall enter an order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard on the final hearing thereof.

SEC. 4. Upon the entry of the findings on the final hearing of said petition as set forth in the last preceding section, said board of county commissioners of said county, if they find said proposed drainage system will be conducive to the public health, welfare and convenience, and will increase the public revenue and be of special benefit to the majority of the lands included within said boundaries, shall give notice of an election to be held in such proposed drainage district for the purpose of determining whether the same shall be organized under the provisions of this act as a drainage district of the State of Idaho, and for the further purpose of choosing at such election three commissioners who shall be known and designated as "Drainage Commissioners" for said district proposed to be organized, which said three commissioners shall, upon their election, be the district authorities of said drainage districts; and such notice shall particularly describe the boundaries as established by the board of county commissioners on its final hearing of said petition, and shall state the name of such proposed drainage district and approximately the number of acres of land in said district to be benefited thereby, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published therein, then in some such newspaper of general circulation therein, for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of said proposed district; such notice shall designate the place within the proposed district where the election shall be held, and require the voters to cast ballots which shall contain the words, "Drainage district, yes" or, "Drainage district, no," and also the names of the persons voted for for commissioners of said drainage district. The

board of county commissioners shall also appoint two judges, one inspector and two clerks for such election, whose compensation shall be the same as in other elections for the election of county and State officers and shall be a charge upon said district, in case the same be established, and shall be paid in the same manner as other expenses are paid which are incurred in the establishment and construction of said improvement. In case said district be not established then all costs and expenses shall be collectable from the bond hereinbefore provided for any person having charge against said district shall have a right of action thereon.

SEC. 5. Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the State of Idaho, and no person shall be entitled to vote at such election unless he shall be a qualified elector of the county in which such district is located, and shall have resided within the limits of such district, as established by the board of county commissioners, for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election, and proceed to canvass the votes cast thereat, and if, upon such canvass, it appears that a majority of the votes cast are for drainage district, "yes," the board shall have an order entered upon their minutes and declare such territory duly organized as a drainage district under the name and style of drainage district No..... (here insert number) of..... (here insert name of county) of the State of Idaho, and shall declare the three persons receiving respectively the highest number of votes, to be duly elected as a board of commissioners of such drainage district. Said board shall cause a copy of said order, duly certified, to be filed in the office of the Secretary of State, and from and after the date of such filing such organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter immediately upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Idaho for the benefit of said drainage district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of $5,000. with two or more sureties, to be approved by the board of county commissioners,

and shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the district court of the county in which said district is located, and shall be filed in said court.

SEC. 6. A general election for the election of a board of drainage commissioners of such district shall be held upon the first Tuesday after the first Monday in December of each year thereafter, and the term of office shall begin the second Monday of the following January, and such election shall be held in accordance with the general election laws of the State of Idaho for the election of county and State officers, and the expenses thereof shall be defrayed by said district, and the judges, clerks and inspectors of said election shall each receive as compensation for the services rendered at such election the sum of $2.00 per day: *Provided*, That at least thirty days' notice immediately preceding any such general election shall be given thereof by the board of commissioners of such drainage district, by posting the same in four public places within said district. Said notice shall contain the names of two electors of said district as judges of said election and the name of one elector of said district as inspector thereof, the same to be chosen by said board of commissioners. Said board of commissioners shall be a canvassing board to canvass the vote of each election, and they shall meet the day following such election and canvass said votes and declare the result thereof and issue certificates of election.

SEC. 7. All drainage districts organized under the provisions of this act shall have the right of eminent domain, with the power by and through its board of commissioners, to cause to be condemned and appropriated private property for the use of said corporation in the construction and maintenance of a system of drainage, and make just compensation therefor: *Provided*, That the property of private corporations may be subjected to the same rights of eminent domain as that of private individuals: *Provided further*, That the said board of commissioners shall have

power to acquire by purchase all the real property necessary to make the improvements herein provided for.

SEC. 8. Said board of drainage commissioners hereinbefore provided for shall have the exclusive charge of the construction and maintenance of all drainage systems which may be constructed within the boundaries of said district, and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law.

In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the district court of said county, and said appointee shall serve the unexpired term or until the next general election: *Provided,* That in counties where there may be more than one district judge, the judge eldest in age shall make such appointment.

SEC. 9. Whenever it is desired to prosecute the construction of a system of drainage within said district, said district, by and through its board of commissioners, shall file a petition in the district court of the county in which said district is located, setting forth therein the route and termini of said system, with a complete description thereof, together with specifications for its construction, with all necessary plats and plans thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvements, and that the same will be conducive to the public health, convenience and welfare, and increase the value of all of said property for the purpose of public revenue. Said petition shall further set forth the names of the land owners through whose land the right-of-way is desired for said improvement; the amount of land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right-of-way, and the damages sustained by any person or corporation interested therein, if any, by

reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement, such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right-of-way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain all of said lands described in said petition, and that all lands sought to be appropriated for said right-of-way are necessary to be used as a right-of-way in the construction and maintenance of said improvements: *Provided, however,* That all maps plats, field notes, surveys, plans, specifications, or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this act, may be used under the provisions of this act.

SEC. 10. In the preparation of the facts and data to be inserted in said petition and filed therewith for the purpose of presenting the matter to the district court, the board of commissioners of said drainage district may employ one or more good and competent surveyors and draughtsmen to assist them in compiling data required to be presented to the court with said petition, as hereinbefore provided, and such legal assistance as may be necessary, with full power to bind said district for the compensation of such assistants or employees employed by them, and such services shall be taxed as costs in the suit.

SEC. 11. A summons stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated, and those which it is claimed to be benefited by such improvements, and stating the court wherein said petition is filed, the date of the filing thereof and when the defendants are required to appear (which shall be ten days exclusive of the day of service, if served within the county in which the petition is pending, and if in any other county then twenty days after such service, and if served by publication, then within thirty days from the date of the first publication) shall be served on each and every person named therein as

owner, incumbrancer, tenant or otherwise interested therein. Said summons must be subscribed by the commissioners or their attorney, running in the name of the State of Idaho and directed to the defendants; and service thereof shall be made by delivering a copy of such summons to each of the persons or parties so named therein, if a resident of the State, or in case of the absence of such person or party from his or her usual place of abode by leaving a copy at his or her usual place of abode, or in case of foreign corporation, at its principal place of business in this State with some person of more than sixteen years of age; in case of domestic corporations, said service shall be made upon the president, secretary or other director or trustee of such corporation; in case of minors, or their guardians; or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor, in case of idiots, lunatics or insane persons, on their guardian, or in case no guardian shall have been appointed, then on the person in whose care or charge they are found. In case the land, real estate, premises or other property sought to be appropriated or which it is claimed will be benefited by such improvement, is State tide, school or county land, the summons shall be served on the auditor of the county in which the land, real estate, premises or other property sought to be appropriated, or which it is claimed will be benefited is situated. In all cases where the owner or person claiming an interest in such real or other property is a non-resident of this State or where the residence of such owner or person is unknown, and an affidavit of one or more of the commissioners of said district shall be filed that such owner or person is a non-resident of this State, or that after diligent inquiry his residence is unknown or can not be ascertained by such deponent, service may be made by publication thereof in a newspaper published in the county where such lands are situated, once a week for three consecutive weeks; and in case no newspaper is published in such county then such publication may be had in a newspaper published in the county nearest to the county in which lies the land sought to be appropriated, or which it is claimed will be benefited by said improvement. Such publication shall be deemed service upon each non-resident person or persons whose residence is unknown. Such summons may be served by any competent person over

twenty-one years of age. Due proof of service of said summons by affidavit of publication shall be filed with the clerk of such court before the court shall proceed to hear the matter. Want of service of such notice shall render the subsequent proceedings void as to the person or parties having been served with summons as herein provided, either by publication or otherwise, shall be bound by the subsequent proceedings.

In all cases not otherwise provided for service of notice, order and other papers in the proceedings authorized by this chapter may be made as the district court, or the judge thereof may direct: *Provided,* That personal service upon any party outside of the State shall be of like effect as service by publication.

SEC. 12. Any or all of said defendants may appear jointly or separately and admit or deny the allegation of said petition and plead any affirmative matter in defense thereof at the time and place appointed for hearing said petition, or to which the same may have been adjourned. If the court or judge thereof shall have satisfactory proof that all of the defendants in said action have been duly served with the summons as above provided, and shall be further satisfied by competent proof that said improvement is practicable and conducive to the public health, welfare and convenience, and will increase the value of said lands for the purpose of public revenue, and that the contemplated use for which the land, real estate, premises or other property sought to be appropriated is really a public use, and that the land, real estate, premises or other property sought to be appropriated are required and necessary for the establishment of said improvement, and that said improvement, and that said improvement has a good and sufficient outlet, the court or judge thereof shall cause a jury of twelve qualified persons to be impaneled to assess the damages and benefits, as herein provided, if in attendance upon his court; and if not he may, if satisfied that the public interests require the immediate construction of said improvements, direct the sheriff of his county to summon from the citizens of the county in which said petition is filed as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties to the proceedings consent to a less number, such number to be not less than three, and such consent shall be entered by the

clerk in the minutes of the trial. If necessary, to complete the jury in any case, the sheriff, under the direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the citizens of the county in which the petition is filed. In case a special jury is summoned the cost thereof shall be taxed as part of the costs in the proceeding, and paid by the district seeking to appropriate said lands, the same as other costs in the case, and no person shall be competent as a juror who is a resident of, or land owner in, the district seeking to appropriate said land.

The jurors at such trial shall make in each case a separate assessment of damages which shall result to any person, corporation or company, or to the State, by reason of the appropriation and use of such land, real estate, premises or other property for said improvement, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners, respectively, and to all tenants, incumbrancers, and others interested, for the taking or injuriously affecting such land, real estate, premises or other property for the establishment of said improvement; and shall further find the maximum amount of benefits per acre to be derived by each of the land owners from the construction of said improvements. And upon the return of the verdict into court the same shall be recorded as in other cases, whereupon, a decree shall be entered in accordance with the verdict so rendered, setting forth all the facts found by the jury, and decreeing that said right-of-way be appropriated, and directing the commissioners of said drainage district to draw their warrant on the county treasurer for the amount awarded by the jury to each person for damages sustained by reason of the establishment of said improvement, payable out of the funds of said drainage district.

SEC. 13. Every person or corporation feeling himself or itself aggrieved by the judgment for damages, or the assessments of benefits, may appeal to the Supreme Court of this State, within thirty days after the entry of the judgment, and such appeal shall bring before the supreme court the propriety and justness of the amount of damage or assessment of benefit in respect to the parties to the appeal. Upon such appeal no bond shall be required and no stay shall be allowed.

SEC. 14. In case the damages or amount of compensation for such right-of-way, together with the estimated costs of the improvement, amount to more than the maximum amount of benefits which will be derived from said improvement, or, if said improvement is not practicable, or will not be conducive to the public health, welfare and convenience, or will not increase the public revenue, or will not have sufficient outlet, the court shall dismiss such proceedings, and in such case a judgment shall be rendered for the costs of said proceedings against said district, and no further proceedings shall be had or done therein; and upon the payment of the costs, said organization shall be dissolved by decree of said court.

SEC. 15. Any person or corporation claiming to be entitled to any money ordered paid by the court, as provided in this act, may apply to the court therefor and upon furnishing evidence satisfactory to the court that he be entitled to the same, the court shall make an order directing the payment to such claimant of the portion of such money as he or it may be found entitled to; but, if upon application, the court of judge thereof shall decide that the title to the land, real estate or premises specified in the application of such claimant is in such condition as to require that all action be commenced to determine the title of claimants thereto, it shall refuse such order until such action is commenced and the conflicting claims to such land, real estate or premises be determined according to law.

SEC. 16. Upon the entry of the judgment upon the verdict of the jury, the clerk of said court shall immediately prepare a transcript which shall contain a list of the names of all the persons and corporations benefited by said improvement, and the amount of benefit derived by each, respectfully, and shall duly certify the same, together with a list of the lands benefited by said improvement belonging to each person and corporation and shall file the same with the auditor of the county, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of other taxes, against the land of each of the said persons named in said list, together with the amounts thereof, and the same shall be subject to the same interest and penalties in case of delinquency as in case of general taxes, and shall be collected in the same manner as other taxes and subject to the same right of redemption,

and the lands sold for the collection of said taxes shall be subject to the same right of redemption, as the sale of lands for general taxes: *Provided,* That said assessment shall not become due and payable except at such time or times and in such amounts as may be designated by the board of commissioners of said drainage district which designation shall be made to the county auditor by said board of commissioners of said drainage district, by serving written notice upon the county auditor designating the time and the amount of the assessment, said assessment to be in proportion to the benefits to become due and payable, which amount shall fall due at the time of falling due of general taxes and the amount so designated shall be added by the auditor to the general taxes of said person, persons or corporation, according to said notice, upon the assessment rolls in his said office, and collected therewith; and *Provided further,* That no one call for assessments by said commissioners shall be in an amount to exceed twenty-five per cent, of the actual amount necessary to pay the costs of the proceedings, and the establishment of said district and drainage system and the cost of construction of said work.

SEC. 17. In the event of the dismissal of said proceedings and the rendition of judgments against said district, as hereinbefore provided, said drainage commissioners shall levy a tax upon all the real estate within said district, taking as a basis the last equalized assessment of said real estate for State and county purposes, sufficient to pay said judgment and the cost of levying said tax, and shall cause said tax roll to be filed in the office of the clerk of the district court in which such judgment was rendered. If said tax is not paid within sixty days after the filing of said tax roll, the court shall, upon the application of any party interested, direct said real estate to be sold in payment of said tax, said sale to be made in the same manner and by the same officer as is or may be provided by law for the sale of real estate for taxes for general purposes; and the same right of redemption shall exist as in the sale of real estate for the payment of taxes for general purposes.

SEC. 18. After the filing of said certificate said commissioners of such drainage district shall proceed at once in the construction of said improvement, and in carrying on said construction or any extensions thereof they shall have full

charge and management thereof, and shall have the power to employ such assistance as they may deem necessary and purchase all materials that may be necessary in the construction and carrying on of the work of said improvement, and shall have power to let the whole or any portion of said work to any responsible contractor, and shall in such case enter into all necessary agreements with such contractor that may be necessary in the premises: *Provided*, That in case the whole or any portion of said improvements is let to any contractor said commissioners shall require said contractor to give a bond in double the amount of the contract price of the whole or of such portion of said works covered by said contract, with two or more sureties to be approved by the board of commissioners of said drainage district and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement, and shall cause said contractor to enter into a further additional bond in the same amount, with two or more good and sufficient sureties to be approved by said board of commissioners of said drainage district in the name of said district as obligee therein, conditioned that said contractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor, shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or sub-contractor, or any employee thereof in the construction of said improvement: *Provided further*, That no sureties on said last mentioned bond shall be liable thereon unless the persons or corporation performing said labor and furnishing said materials, goods, wares, merchandise and provisions, shall, within ninety days after the completion of said improvement, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of commissioners of said drainage district.

SEC. 19. The work on said improvement shall begin at the outlet thereof, and shall be completed toward the terminus of said system and shall be completed toward said terminus with all expedition possible, and said board of

commissioners of such drainage district, or any contractor thereunder, shall have no power whatever to change said route or system of improvement or the manner of doing the work therein so as to make any radical changes in said improvement, without the written consent of all the land owners to be benefited thereby, and the land owners which may be damaged thereby, and in case any substantial changes in said system of improvement or the manner of the construction thereof shall be deemed necessary by said board of commissioners at any time during the progress thereof, and if the written consent to such changes can not be procured from said land owners, then said commissioners for and on behalf of said district shall file a petition in the district court of the county within which said district is located, setting forth therein the changes which they deem necessary to be made in the plan or manner of the construction of said improvement, and praying therein to be permitted to make such changes, and upon the filing thereof: the court shall cause a summons to be served, setting forth the prayer of said petition under the seal of said court which summons shall be served in the same manner as the service of summons in the case of the original petition, upon all the land owners or others claiming any lien or interest therein appearing of record in said district and any or all of said parties so served may appear in said cause and submit their objections thereto, and after the time for the appearance of all of said parties has expired the court shall proceed to hear said petition at once without further delay, and if it appears during the course of said proceedings that the property rights of any of said land owners will be affected by such proposed change in said improvements, then the court, after having passed upon all preliminary questions as in the original proceedings, may call a jury to be impanelled as in the case of the original proceedings for the establishment of said improvement, and upon the final hearing of said cause the jury shall return a verdict finding the amount of damages if any, sustained by all persons and corporations, the same as upon the original petition by reason of such proposed change and the amount of compensation to be paid to any persons or corporations therefor and for any additional right-of-way that may be necessary to be appropriated.

SEC. 20. During the construction of said improvement

said commissioners shall have the right to allow payment thereof, in installments as the work progresses, in proportion to the amount of work completed: *Provided*, That no allowance or payment shall be made for said work to any contractor or sub-contractor to exceed seventy-five per cent of the proportionate amount of the work completed by such contractor or sub-contractor and twenty-five per cent of the contract price shall be reserved at all times by said board of commissioners until said work is wholly completed and shall not be paid upon the completion of said work until ninety days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise, and provisions furnished or used in the construction of said improvements; and upon the completion of said work and the payment of all claims hereinbefore provided for according to the terms and conditions of said contract. Said commissioners shall accept said improvement and pay the contract price therefor.

SEC. 21. Any person or corporation owning land within said district shall have a right to connect any private drains or ditches for the proper drainage of such land with said system, and in case any person or corporations shall desire to drain such lands into said system and shall find it necessary, in order to do so, to procure the right-of-way over the land of another, or others, and if consent thereto can not be procured from such person or persons, then such land owner may present in writing or request to the board of commissioners of said district, setting forth therein the necessity of being able to connect his private drainage with said system, and pray therein that said system be extended to such point as he may designate in said writing and immediately thereon said board of commissioners shall cause a petition to be filed in the district court, for and in the name of said drainage district, requesting in said petition that said system be extended as requested, setting forth therein the necessity thereof and praying that leave be granted by the board to extend the system in accordance with the prayer of said petition, and the proceedings in such case, upon the presentation of such petition and the hearing thereof, shall be, in all matters, the same as in the hearing and presentation of the original petition for the establishment of the original system of drainage in said district, as far as applicable. That the costs in such pro-

ceedings shall be paid from the assessment of benefits to be made on the lands of the person or persons benefited by such extension and the assessment and compensation for the right-of-way, damages and benefits, and payment of damages and compensation, and the collection of the assessments for benefits, shall be the same as in the proceedings under the original petition and the construction of the said extension shall be made under the same provisions as the construction of the original improvement; and all things that may be done or performed in connection therewith shall be, as near as may be applicable, in accordance with the provisions already set forth herein for the establishment and construction of said original improvement: *Provided,* That such petitioner or petitioners shall, at the time of filing such petition by said drainage commissioners enter into a good and sufficient bond to said drainage district in the full penal sum of five hundred dollars, with two or more sureties, to be approved by the court, conditioned for the payment of all costs in case the prayer of said petition should not be granted, which bond shall be filed in said cause.

SEC. 22. In case of the establishment of a drainage district and system of drainage under the provisions of this act above any other district that may theretofore been established and above any other system of drainage that may have theretofore been constructed in said district, and in case said district to be established above may desire to connect its drainage system with the lower or servient district, shall be made a party to the proceedings for the establishment of such system, and the petition to be filed in the district court for the establishment of the system of drainage in said upper district shall, in addition to the facts hereinbefore provided and required to be set forth therein, set forth the fact that said lower system in said lower district is necessary to be used as an outlet for the system of drainage of said upper district, and that the same will be a sufficient outlet and will afford sufficient capacity to carry the drainage of both said upper and lower districts; and in case said system of said lower district will be required to be enlarged by widening or deepening the same, or both, in order to give sufficient outlet to said upper district and afford sufficient drainage for said upper and lower districts, then the plans and specifications for enlarging the

system of said lower district shall be filed with said petition in addition to the other data hereinbefore provided for in this act. All the land owners in said lower district, or any person claiming any interest therein as mortgagee or otherwise, shall be made parties defendant in said petition, and the proceedings therein as to the assessment of damages and compensation for land taken, if any be necessary to be taken in enlarging said lower system, shall be the same as in the establishment of systems of drainage in the lower or servient district as hereinbefore provided for; but the jury, in addition to the facts to be found by them as provided for in the establishment of a drainage system in the lower district, shall find and determine whether said lower system, when improved according to the plans and specifications filed with the said petition, will afford sufficient drainage for both said upper and lower districts, which finding shall be made by the jury before considering any other question at issue in said proceeding and in case said jury should find that the system of said lower district when improved as proposed in said petition would not be sufficient, then, in that case, said finding shall terminate the proceedings in said case shall be had, and the costs of said proceeding shall be paid as costs in other proceedings, as hereinbefore provided for; but in such case the finding of said jury shall not terminate the objects of said upper district or operate to disorganize the same, but said upper district may begin new proceedings for the establishment of a system of drainage with some new outlet provided therein. All costs for the enlarging or improving of said lower system that may be required shall be assessed to the land owners in the upper district according to the benefits to be derived from the construction of said entire system, and no additional cost shall be thrown upon the lower district and all compensation for taking any right-of-way that may be necessary to be taken in enlarging said lower system, and all damages occurring therefrom, if any, to the land owners of said lower district, shall be ascertained and paid in the same manner as hereinbefore provided for the adjustment of compensation and damages in the establishment of drainage system in lower districts. Said lower district, by and through its board of commissioners, may appear in said cause and show therein any injury it may sustain as a district by reason of the additional cost of

maintenance of said lower system as improved and enlarged and such fact shall be determined in said cause and the jury shall find the amount of the increased costs of maintenance per annum, which will be sustained by said lower district by reason of said enlarging or improving of the same, and judgment shall be rendered in favor of said lower district against said upper district for such amount as found and the same shall be paid each year as the cost of construction is paid as provided for in this act, and the amount so paid shall be held by said lower district as an additional fund for the maintenance of its said system as improved and enlarged by said upper district.

SEC. 23. Any town or city already incorporated, or which may hereafter be incorporated, may exercise the functions of a drainage district under the provisions of this act, or the whole or any portion of any such town or city may be included with other territory in a common district under the provisions for the establishment thereof as provided for herein.

SEC. 24. The board of commissioners of any drainage district organized under the provisions of this act shall, on or before the first day of January of each year, make an estimate of the cost of maintenance of the drainage system constructed in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of commissioners to the auditor of the county in which such district is located on or before said date, and the amount thereof shall be apportioned to the land owners in such district benefited by said improvement in proportion to the maximum benefits originally assessed and such amount shall be added to the general taxes of such land owners and collected therewith.

SEC. 25. The board of commissioners of such district shall elect one of their number chairman and one secretary, and shall keep minutes of all their proceedings, and may issue warrants of such district, in payment of claims of indebtedness against such district, such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the

treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: *Provided,* That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

SEC. 26. Upon the establishment of any district under the provisions of this act and the establishment of a system of drainage therein as provided for in this act, the board of commissioners of such drainage district may upon petition of a majority of all the land owners owning land within such district to be benefited thereby, issue bonds for the total amount of the costs of construction of said improvement, together with the costs of the establishment thereof, including damages assessed and compensation made to land owners for right-of-way and the expenses and costs of the entire proceeding, payable at a time not less than five years nor longer than twenty years from the date thereof; and such commissioners may, at any time thereafter, issue such bonds in the manner and form herein prescribed for the purpose of finding any outstanding warrants or obligations of such district, and in case of such last named issue all the outstanding warrants shall immediately become due and payable upon receipt of the money by the county treasurer from the sale of said bonds, and upon a call of such outstanding obligations to be issued by him, which call shall be made by said treasurer immediately upon receipt of the proceeds from the sale of said bonds by publication for two successive weeks in the county paper authorized to do the county printing, and such warrants and outstanding obligations shall cease to draw interest at the end of thirty days after the date of the first publication: *Provided,* That no bond shall, under the provisions thereof, be sold for less than their par value.

SEC. 27. Said bonds shall be numbered from one upwards, consecutively, and be in denominations of not less than one hundred dollars nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years nor less than five years from the date of their issue, and bear interest at a rate not exceeding seven per cent. per annum, payable annually, with coupons attached for each interest payment. The bonds and each coupon shall be signed by the chairman of the board of drainage commis-

sioners, and shall be attested by the secretary of said board, and the seal of such district shall be affixed to each bond, but not to the coupons.

SEC. 28. Said bonds may be exchanged at not less than their par value for an equal amount of the warrants of the district issuing such bonds.

SEC. 29. Five years before said bonds shall become due the drainage commissioners of such district issuing them, are hereby authorized and required, annually, to levy an assessment sufficient to liquidate said bonds at maturity, such assessment shall be collected by the county treasurer and kept as a separate fund for the sole purpose of liqudating said bonds in accordance with the provisions of the following section.

SEC. 30. It shall be the duty of the treasurer of any county in which there may be a district issuing bonds under the provisions of this chapter, whenever he has upon hand two thousand dollars of the special fund for the payment of said bonds, to advertise in the newspaper doing the county printing, for the presentation to him for payment of as many of the bonds issued under the provisions of this act as he is able to pay with the funds in his hands, to be paid in numerical order of said bonds, beginning with the bond number one, until all of said bonds are paid: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said bonds shall cease to bear interest, which shall be stated in the notice.

SEC. 31. It shall be the duty of such drainage commissioners annually to levy an assessment sufficient for the payment of the coupons hereinbefore mentioned as they fall due. Said coupons shall be considered for all purposes as warrants drawn upon the funds of the district issuing bonds under the provisions of this act, and, when presented to the county treasurer, and no funds are in the treasury to pay said coupons, it shall be his duty to endorse said coupons as presented for payment in the same manner as other warrants upon the funds of said district are endorsed, and thereafter said coupons shall bear interest at the same rate as other warrants so presented and unpaid.

SEC. 32. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register he shall enter the num-

ber of each bond, the date of issue, the maturity, amount and rate of interest, to whom and when payable, and the proceeds derived from the sale of said bonds shall in all cases be paid by the purchaser thereof to the county treasurer.

SEC. 33. All warrants issued under the provisions of this act shall be presented by the holders thereof to the county treasurer, who shall endorse thereon the day of presentation for payment, with the additional endorsement thereon in case of non-payment, that they are not paid for want of funds; and no warrants shall draw interest under the provisions of this act until it is so presented and endorsed by the county treasurer. And it shall be the duty of such treasurer from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: *Provided*, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their endorsement.

SEC. 34. Upon the trial of any questions of issue by a jury under the provisions of this act the court may, in its discretion, submit all questions to be found by the jury in the form of separate findings, or may submit to such jury separate forms of verdict on all such questions to be found by the jury therein.

SEC. 35. All State, county, school district or other lands belonging to other public corporations requiring drainage shall be subject to the provisions of this act, and such corporations, by and through the proper authorities, shall be made parties in all proceedings herein affecting said lands, and shall have the same rights as private persons, and their lands shall be subject to the rights of eminent domain the same the lands of private persons or corporations.

SEC. 36. In case lands belonging to the State, county, school district, or other public corporations are benefited by any improvement instituted under the provisions of this act, all benefits shall be assessed against said lands, and the same shall be paid by the proper authorities of such

public corporations at the time and in the same manner as assessments are called and paid in cases of private persons, out of any general fund of such corporation.

SEC. 37. Fees for service of all process necessary to be served under the provisions of this act shall be the same as for like services in other civil cases, or as is or may be provided by law.

SEC. 38. In performing their duties under the provisions of this act, the board of drainage commissioners shall receive such compensation as may be just and reasonable for all necessary services actually performed, not exceeding two dollars per day, to be determined and allowed by the court upon presentation by said commissioners, or either of them, of an itemized statement duly verified by either or all of such board, that the same is just, reasonable, necessary and were actually performed and that no part of the same has ever been paid, and in case such services are rendered by said board in the establishment or construction of said improvement, or any extension thereof, the amount thereof so allowed by the court shall be deemed to be a part of the cost of the construction and establishment of said improvement, and in case such compensation to be allowed by the court shall be for services rendered by said board in the repairing or maintenance of such improvement, such allowance shall be added to the annual cost of maintenance of such system: *Provided,* That any person interested therein may file objections to the allowance asked for, either in whole or in part, and such claims so filed shall not be passed upon or allowed by the court until the expiration of thirty days from the filing thereof. Said board of commissioners, or the member thereof presenting such claim or allowance shall, at the time of the filing thereof in the court, post notices in at least four public places within said district, which said notices shall set forth therein the fact that an application for allowance has been filed in said court, giving the date of the filing thereof, and the amount of the allowance applied for, and demand that any and all persons having any interest therein shall file objections in said court if any they have to the allowance of such claims or any portion thereof, within thirty days from the filing of such application for allowance, and the court shall hear said application and the objections thereto, if any there be made and filed and shall, in its discretion, make such al-

lowance in such amount as it may deem to be just in the premises, and the same shall be paid as other claims against said district are paid.

SEC. 39. The whole or any portion of any natural watercourse, the whole or any portion of which lies within any district established under this act, or the whole or any portion of any ditch or drainage system already constructed or partially constructed prior to the passage of this act, may be improved and completed as a system under the provisions of this act: *Provided,* That in the improvement of any natural water course the rights of the public therein for purposes of navigation shall not be in any wise impaired, and vested rights therein shall not be disturbed.

SEC. 40. The district court may compel the performance of the duties imposed by this act, and may, in its discretion, on proper application therefor, issue its mandatory injunction for such purpose.

SEC. 41. Whereas, there is no law in force in this State in relation to the subject matter of this act: Therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 162.

AN ACT

APPROPRIATING MONEY TO PAY THE EXPENSES IN MAINTAINING AN EXHIBIT OF THE PRODUCTS OF THE STATE OF IDAHO AT THE ST. LOUIS LOUISIANA PURCHASE EXPOSITION TO BE HELD IN THE CITY OF ST. LOUIS IN NINETEEN HUNDRED AND FOUR, AND AT THE LEWIS AND CLARK EXPOSITION AT PORTLAND OREGON IN NINETEEN HUNDRED AND FIVE, AND TO PROVIDE FOR COMMISSIONERS THEREOF.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of exhibiting products and resources of the State of Idaho at the St. Louis Louisiana Purchase Exposition to be held in St. Louis, Missouri in 1904, and at the Lewis and Clark Exposition to be held at Portland, Oregon in 1905, a commission is hereby constituted to be designated the Idaho St. Louis and Lewis and Clark Exposition Commission which shall consist of five members, to be organized and continue its duties as hereinafter provided.

SEC. 2. The members of said commission shall be appointed by the Governor within sixty days after the taking effect of this act, and shall meet at such time as the Governor may appoint and organize by the election of a President vice-president and a secretary, who may or may not be one of their number. No more than three members of said commission shall be of the same political party. A majority of the members of said commission shall constitute a quorum to transact business, and said commission shall have power to make rules and regulations for its own government and for the government of the appointees, employes and agents of said commission. The Governor of the State of Idaho shall be ex officio a member of said commission. Any member of the commission may be removed at any time by the Governor and any vacancy which may occur shall be filled by appointment of the Governor.

SEC. 3. Said commissioners shall receive no compensation for their services but they shall each be allowed their actual traveling expenses when attending to their duties as such commissioners, not exceeding five hundred dollars in any one year, to be paid out of the appropriation hereinafter provided.

SEC. 4. The said commission is authorized and directed to appoint an executive commissioner and to fix his salary, subject to the approval of the Governor, which salary shall be payable monthly out of the appropriation hereinafter made, and said executive commissioner shall be authorized and required to assume and exercise, subject to the approval of said commission, all such executive powers and functions as may be necessary to secure a complete and creditable display of the products and resources and general developments of the State of Idaho at each and both of said expositions. As executive agent of said commission he shall have personal charge of the solicitation, collection, transportation arrangement and exhibition of the objects sent under the authority of the State to each and both of said expositions, and of such objects sent by individual citizens of the State or any number of individuals or of any association, as may be by them or it placed in his charge. He shall make a report to the commission monthly and shall hold office at the pleasure of the commission, and shall give bond to the State of Idaho, in the sum of five thousand dollars.

SEC. 5. The said commission shall have charge of the interests of the State of Idaho and its citizens in the preparation and exhibition at each and both of said expositions, of the natural and industrial products of the State and of objects illustrating its history, progress, moral and material welfare and in relating to its future development and in all other matters relating to each and both of said expositions who shall communicate with the officers of and obtain and disseminate through the State all necessary information regarding said expositions; and in general have and exercise full authority in relation to the participation of the State of Idaho and its citizens in said expositions and each and both of them. The said commission shall make a report of its proceedings and the expenditures from time to time to the Governor; and at any time upon his written request.

SEC. 6. At the close of the exposition at Portland, Oregon, the commission shall sell and dispose of such of the exhibits and other property of the State as can be disposed of to advantage, except as hereinafter provided, and with the proceeds pay the expense of returning the private exhibits to the several owners thereof and in sending to and placing in the Idaho University, the normal schools and Academy of Idaho such of the exhibits as, in the judgment of the commission, shall be worthy of preservation therein. All exhibits furnished by others than the State of Idaho shall be transported to and returned from said exposition without expense to the owners thereof, and it is hereby made the duty of said commission to cause each and every of such private exhibits to be returned to their owners immediately at the close of said Portland Exposition. Any balance which may remain of the appropriation herein made, or of the proceeds of such sale of property, shall be paid into the general fund in the State Treasury.

SEC. 7. To carry out the provisions of this act the sum of thirty-five thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum so appropriated to be available and to be used as follows:

Fifteen thousand dollars in the year 1903, to be used in defraying the expenses of said commission and the expense of collecting, transporting and maintaining the exhibits for the St. Louis Exposition; ten thousand dollars in the

year 1904 to be used in defraying the expenses of said commission and of maintaining the exhibits at St. Louis and in removing the same from St. Louis to Portland, Oregon; and ten thousand dollars in the year 1905 in defraying the expenses of said commission and of maintaining the exhibit at Portland, Oregon, and in collecting, shipping and returning such exhibits as hereinbefore required and provided. Any unexpended balance of the appropriation herein made for any one year shall be placed to the credit of said commission for the succeeding year and shall be available for the purposes for which said appropriation is made.

SEC. 8. Certificates of indebtedness, signed by the chairman and secretary of said commission, with itemized vouchers attached, shall be presented to the State Board of Examiners, and when approved, the State Auditor shall issue warrants in payment of the same on the fund hereinbefore provided; but such warrants shall not, in the aggregate, exceed the amount hereinbefore appropriated, nor shall warrants in any one year exceed the appropriation available for that year and any unexpended balance of appropriation of the previous year.

SEC. 9. Whereas an emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage.

Approved on the 4th day of March, 1903.

HOUSE BILL NO. 163.

AN ACT

TO AMEND SECTION 1 OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR KEEPING BOOKS OF ACCOUNT BY ALL STATE, COUNTY, CITY AND PRECINCT OFFICERS WHO RECEIVE FEES OR PUBLIC MONEYS" APPROVED MARCH 14, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act entitled "An act to provide for keeping public books of account by all State, county, city and precinct officers who receive fees or public moneys," approved March, 14, 1901, be amended to read as follows:

Section 1. It shall be the duty of all State, county, city and precinct officers, who receive fees for services in an official capacity, or who receive public moneys for safe keeping, to at all times keep a public account of the same,

consisting of a day book and ledger in which shall be entered all receipts of fees or moneys with brief statement of from whom and on what account the same were received; and a like account of all disbursements of such moneys, to whom and on what account the same were paid. A failure to comply with the requirements of this section shall subject the offender, upon conviction, to the payment of a fine not exceeding three hundred dollars or to imprisonment in the county jail for a period not exceeding six months or by both such fine and imprisonment.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 164.

AN ACT

CREATING A STATE LIBRARY COMMISSION AND DEFINING ITS DUTIES, AND REPEALING AN ACT "CREATING A FREE TRAVELING LIBRARY COMMISSION, ETC.," APPROVED FEBRUARY 28TH, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Attorney General, Secretary of State, State Superintendent of Public Instruction and the president of the State University, ex officio, are hereby constituted a State Library Commission, of which the Attorney General shall be chairman and the State Superintendent of Public Instruction, secretary.

SEC. 2. Said commission shall have the management of the traveling library or libraries belonging to the State and shall make such rules governing the use of the same and of the books and property pertaining thereto as it may deem necessary. Said commission shall cause said books to be distributed throughout the State, and at suitable intervals change such distribution in such manner as to secure the use and enjoyment of said books to the people of the State. It shall co-operate with the management of public school and other free libraries within the State and adopt such means as shall best promote their establishment. Said commission may receive donations of money, books or other property, real or personal, for the benefit of such traveling library or libraries, the title to which property shall vest in the State of Idaho to be held and controlled by said commission. Said commission shall report annually to the Governor with such recommendations as it may deem proper.

SEC. 3. The secretary of said commission shall keep a full report of the proceedings of said commission and accurate accounts of expenses incurred by it in carrying out the provisions of this act. The chairman of said commission may issue certificates countersigned by the secretary for all claims against said commission incurred in the management of said traveling library or libraries and in carrying out the objects of this act, which claims, when approved by the board of examiners shall be paid by warrants drawn upon the fund in the State Treasury provided for such purpose.

SEC. 4. An act entitled "An act to create a free traveling library and State Library Commission to promote the establishment and efficiency of free public libraries and public school libraries in the State of Idaho" approved February 28th, 1901, is hereby repealed and all furniture, books, papers, records and other property of the State being, at the time this act shall take effect, in the hands or under the control of said "free traveling library and State Library Commission" is hereby transferred to the commission created by this act, and the same shall be delivered into the custody of the State Superintendent of Public Instruction, as secretary of said commission immediately upon the taking effect of this act.

SEC. 5. An emergency for the taking effect of this act is hereby declared to exist therefor the same shall take effect and be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 171.

AN ACT

TO AMEND SECTION TWO OF AN ACT ENTITLED AN ACT TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION, AND PRESCRIBING THE DUTIES OF THE SAME; APPROVED THE 17TH DAY OF FEBRUARY 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an act entitled an act to establish the office of county superintendent of public instruction, and prescribing the duties of the same, approved the 17th day of February 1899 by, and the same hereby is amended to read as follows:

Section 2. Before entering upon the duties of his of-

fice the county superintendent of public instruction shall take and subscribe the oath prescribed by law and execute a bond, payable to the State of Idaho, with two or more sureties to be approved by the board of county commissioners, in the penal sum of not less than two thousand dollars, conditional upon the faithful performance of his office duties, and the delivery of all moneys and property received by him as such superintendent to his successor into office, which bond shall be filled in the office of the county recorder; which official bond together with his official oath, shall be filed in the office of the county recorder as aforesaid, not later than the second Monday in January, next after election: *Provided*, That no person shall be eligible to the office of county superintendent of public instruction except a (first grade) practical teacher of not less than two years experience (in Idaho), one of which must have been while holding a valid first grade certificate, issued by county superintendent, and the holder of a first grade certificate at the time of his election or appointment, nor unless twenty-five years of age.

It shall be the duty of county superintendent to organize a monthly meeting of the teachers of the schools under his supervision for the purpose of exchanging ideas of progressional interest, for the study of methods and for general culture.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 174.

AN ACT

TO AMEND SUBDIVISION 1 OF SECTION 50 AND SECTIONS 45 AND 46 OF AN ACT ENTITLED "AN ACT TO ESTABLISH A SYSTEM OF FREE SCHOOLS" APPROVED FEBRUARY 6TH. 1899 AND AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTIONS 8 OF AN ACT ENTITLED "AN ACT TO ESTABLISH THE OFFICE OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION AND PRESCRIBING THE DUTIES OF THE SAME AND APPROVED THE 17TH DAY OF FEBRUARY 1889, AND SECTION 9 OF AN ACT ENTITLED AN ACT TO PROVIDE FOR THE FREE AND UNIFORM TEXT BOOKS FOR THE PUBLIC SCHOOLS OF THE STATE OF IDAHO APPROVED MARCH 9TH 1899 AND SECTIONS 31, 35, 46, 42 AND 45 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS: APPROVED ON THE 6TH DAY OF FEBRUARY 1899" APPROVED MARCH 16TH 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 45 of Chapter 6 of an act en-

titled "An act to establish and maintain a system of free schools approved February 6th 1899 amended by an act approved March 16th 1901" be amended to read as follows:

Section 45. It shall be the duty of the trustees of each district to employ teachers on written contract but before such contract can be legally signed it shall be the duty of the teacher to exhibit his or her certificate to the board of trustees: and it shall be the duty of the trustees to file a copy of such contract with the county superintendent: to fix, allow and order paid the salaries and compensation of such teachers, and to discharge the same; to fix the compensation of the clerk of the board, and determine the rate of tuition of non-resident pupils: *Provided,* That any pupil or pupils of the eighth grade or if high school qualifications of any district shall be eligible to attend any high school within his county without paying tuition but the county superintendent shall transfer from the district to which said pupil or pupils belong, to the district holding the high school attended, a sum of money bearing the same proportion to the amount of money received by the district during the year, as said pupil or pupils bear to the total school census of the district in which said pupil or pupils belong.

The trustees shall have power to discharge any teacher for neglect of duty, or for any cause that in their opinion renders the services of such teacher unprofitable to the district; but no teacher shall be discharged before the end of his or her term without a reasonable hearing. The trustees may not contract to compel teachers to make up time while attending any annual county or joint institute. Any two of such trustees shall constitute a quorum for the transaction of business.

The trustees shall have charge of all school property in their district and shall have the power to receive in trust all real estate or other property conveyed to said school district, and to convey by deed duly executed or delivered, all the estate or interest of their district in any school house or site directed to be sold by vote of their district; and all conveyance made to said board must be made in their corporate name to wit:

To trustees of school district No.....county....., State of Idaho. Said trustees have further power when

directed by a vote of their district to build or remove school houses, to purchase, receive, hold and convey real and personal property for school purposes, and to hold, purchase and repair school houses and to supply the same with necessary furniture and to fix the location of school houses: *Provided,* That a school house already built shall not be removed, nor a new site for school house be designated, except when directed by a two-thirds vote of the electors of said district at an election held for that purpose, which election may be a special or general school election: *Provided,* That no trustee shall be pecuniarily interested in any contract made by the board of trustees, of which he is a member, and any contract made in violation of this section is null and void. The trustees of the respective districts must furnish all things, not herein provided for, necessary for the comfort and use of their district, such as fuel, improvements, maps and appartus, and library, and for such purpose may audit and allow accounts against the school fund of their district, not to exceed twenty-five per cent of the amount of such school fund in any one year: *Provided,* That at least three per cent. of the moneys annually appropriated to any district shall be applied by the trustees for the maintenance of a school library, selections of books for which being made from a list of books furnished to each district and compiled by the State Board of Education.

The board of trustees shall keep the library in a suitable case at the school house, shall keep a list of all books in the library, loan the books to pupils and patrons within the district for a period not to exceed four weeks at any one time, hold patrons, parents or guardians to strict accountability for books loaned, requiring them to replace the same in event of loss, or spoilation, report to the county superintendent the number of books purchased during the year, the number of books lost and other information required by the county superintendent and for the further good of the library make all needed rules and regulations: *Provided further,* That the trustees shall not draw an order for a warrant in excess of the amount to the credit of the district at the time the order is given. It shall be the duty of the clerk of the board of trustees of each district to keep a record of the transactions of his district in a book fur-

nished by the county superintendent, the form of which shall be prescribed by the State Superintendent; said records so kept must show all the data and information required in said books to be shown by the forms thereof: and the trustees of each district must make a full report in writing, annually on the first day of September to the county superintendent of their county, on blanks furnished, which shall be exact copies of the pages of the book herein required to be kept together with such matters pertaining to schools as may be required of them by the State Superintendent. It is the duty of the trustees of the respective districts on receiving a report from any teacher of the disorderly conduct of any pupil to decide how said insubordinate pupil shall be punished or whether he or she shall be dismissed from school and the teacher must enforce the decision so made. The clerk of the board of trustees must on the first Tuesday of September of each year proceed to enumerate the children of school age in his district and he must not enumerate any except bona fide residents thereof and the board of trustees must cause a true and certified copy of said census to be transmitted to the county superintendent.

School age, as herein used is defined as applying to all persons between the ages of six and twenty-one years. For said services said clerk shall be allowed as full compensation therefor five cents for each child so enumerated, and the chairman of the board of trustees shall draw his order upon the county auditor which must be countersigned by, at least, one other member of the board of said district for the amount so allowed, and it must be charged against and paid out of the fund of said district.

SEC. 2. That Section 46 of Chapter 6 of an act entitled an act to establish and maintain a system of free schools approved February 6th, 1899, amended by an act approved March 16th 1901, be amended to read as follows:

Section 46. Trustees must qualify within fifteen days after receiving notice of their election by taking the official oath, which oath may be administered by either of the other trustees or retiring trustee and such oath shall be subscribed and filed in the office of the county superintendent. It shall be the duty of the trustees of every school district in the State of Idaho to cause to be erected and to keep in repair upon all public school houses, or within the

school grounds surrounding such public school buildings, which may be in their respective school districts, a good and sufficient flag staff or pole, together with all necessary adjustments and that they shall provide a United States flag of not less than four by eight feet in size which shall be floated from such flag staff or pole during the school hours of such days, as the trustees and teacher may determine: *Provided,* That the flag shall not be hoisted on any school building during any day when a violent storm or inclement weather would destroy or materially injure such flag. The flag used by any and all such school districts, as provided for in this act shall be paid for out of the current expense fund of said district. The flags for use of public school buildings are hereby declared to be necessary supplies and are to be so paid for out of the aforesaid fund. Any person or persons who shall wilfully injure, deface, or destroy any flag, flagstaff or pole, or adjustment attached thereto, erected and arranged for the purpose of carrying out the requirements of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars, nor more than fifteen dollars.

SEC. 3. That Subdivision 1 of Section 50 of Chapter 6 of an act entitled "An act to establish and maintain a system of free schools," approved February 6th, 1899 be amended to read as follows:

First. It shall be the duty of the board of school trustees of each district in this State, on or before the first Monday in September in each year to furnish the principal in each public school in such district with a list of all the children in the school district between the ages of eight and fourteen years, said list to be taken from the report of the school census marshal. Any board of trustees failing to comply with this provision shall be liable to a fine of not less than five dollars nor more than ten dollars for a first offense and not less than ten dollars nor more than thirty dollars for a second offense.

At the beginning of each school month thereafter it shall be the duty of the principal of each school in such district to report to the board of trustees and to the county superintendent the names of all children between the ages of eight and fourteen who failed to attend school during the previous school month. It shall be the duty of the county

superintendent to refuse to countersign the teachers warrants until such reports are made as herein provided. When it shall appear at the expiration of three school months, to the board of trustees, that any parent guardian or other person having charge or control of any child or children shall have failed to comply with the provisions of this act, the board shall cause demand to be made upon such parent, guardian or other person, for the amount of the penalty hereinafter provided, when if such parent, guardian or other person shall neglect or refuse to pay the same within five days after the making of such demand, the board shall commence proceedings in the name of the school district for the recovery of the fine hereinafter provided, before any court having jurisdiction: *Provided,* That nothing in Subdivision 1 shall apply to any child or children, who are actually and necessarily compelled to labor for the support of a parent or parents.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 175.

AN ACT

TO PROVIDE FOR THE RECORDING OF ALL MINING LOCATIONS NOTICES WITH THE DEPUTY MINING RECORDER AND PROVIDING FOR HIS COMPENSATION, REQUIRING THE COUNTY RECORDER TO TRANSMIT TO THE DEPUTY MINING RECORDER CERTAIN LOCATION NOTICES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be the duty of the county recorder of the several counties of this State, within fourteen days after receiving them, to transmit to the deputy mining recorder of the district wherein the claims located are situated, all location notices, both quartz and placer which shall not have been already recorded in the office of the deputy mining recorder.

It shall be the duty of such deputy mining recorder to record in his records all such notices received by him and he shall receive as compensation therefor from the clerk sending them one-half the fee authorized by law to be charged for the recording of mining claims. After recording such notices the deputy mining recorder shall return the same to the county recorder.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 178.

AN ACT

TO AMEND SECTIONS 19 AND 20 OF AN ACT ENTITLED "AN ACT TO ESTABLISH THE IDAHO INDUSTRIAL REFORM SCHOOL FOR THE CARE, PROTECTION, TRAINING AND EDUCATION OF DELINQUENT, DEPENDENT AND NEGLECTED CHILDREN, AND PROVIDE FOR THE COMMITMENT, CONTROL AND DISCHARGE OF JUVENILE OFFENDERS; TO PROVIDE FOR THE ISSUANCE, SALE AND REDEMPTION OF BONDS, TO RECEIVE MONEY FOR THE PURCHASE OF A FARM WITH WATER RIGHTS, TO ERECT AND EQUIP THE NECESSARY BUILDINGS FOR SAID SCHOOL, TO SET ASIDE CERTAIN PUBLIC LANDS FOR THE CREATING OF PERMANENT MAINTENANCE FUND FOR SAID SCHOOL. TO PROVIDE FOR A BOARD OF TRUSTEES FOR THE MANAGEMENT AND CONTROL OF SAID SCHOOL; AND TO APPROPRIATE FUNDS FOR THE MAINTENANCE THEREOF" APPROVED FEBRUARY 16TH, 1903.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19 of an act entitled "An act to establish the Idaho Industrial Reform School for the care, protection, training and education of delinquent, dependent and neglected children, and provide for the commitment, control and discharge of juvenile offenders, to provide for the issuance, sale and redemption of bonds, to receive money for the purchase of a farm with water rights, to erect and equip the necessary buildings for said school, to set aside certain public lands for the creating of permanent maintenance fund for said school to provide for a board of trustees for the management and control of said school, and to appropriate funds for the maintenance thereof." Approved February 16th 1903, be and the same is hereby amended to read as follows:

Section 19. That the State Board of Land Commissioners are hereby directed and it is made their duty to set aside forty thousand (40,000) acres of land granted to the State of Idaho by the act of Congress entitled "An act to provide for the admission of the State of Idaho into the Union," approved July 3rd, 1890, for other State charitable, educational or penal and reformatory purposes, for the exclusive use and benefit of said school. Said lands to be held, disposed of and the proceeds thereof used and applied for the benefit of said school; subject to the provisions of said admission act and the Constitution of the State of Idaho, and so far as may be practicable, in con-

formity with the established procedure of holding, disposing of and applying the proceeds of lands granted to the common schools of the State of Idaho. The State Board of Land Commissioners are directed to set aside forty thousand (40,000) acres of land if selected and if not selected, to use the utmost dispatch in selecting and setting aside the same. The Board of State Land Commissioners are hereby directed to provide separate record books in proper form to be known as Idaho Industrial Reform School records, in which shall be kept all records of matters relating to said lands.

SEC. 2. That Section 20 of the said act be and the same hereby is amended to read as follows:

Section 20. That for the purpose of purchasing a farm with sufficient water rights, erecting the necessary buildings and equipping the same, for said school, a loan of fifty thousand dollars ($50,000.) is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho and the State Treasurer is hereby authorized and empowered to issue fifty bonds of the State of Idaho, in the sum of one thousand dollars ($1,000) each, to be numbered from one to fifty consecutively, payable in twenty years from the date of issuance, to bear interest at a rate not to exceed four per cent per annum, payable semi-annually on the first of April and October of each year at a bank in New York City; to be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of issuance. One-half in amount of the bonds herein provided for shall be negotiated and sold as soon as practicable after the taking of effect of this act, and the remainder as required in carrying out the purpose for which said bonds are authorized.

SEC. 3. Whereas, an emergency exists this act shall take effect and be in force from and after its passage.

Approved the 6th day of March, 1903.

HOUSE BILL NO. 184.—SUBSTITUTE FOR HOUSE BILL NO. 62.

AN ACT

TO PROVIDE FOR THE FURTHER LOAN AND FURTHER ISSUANCE OF STATE BONDS UNDER THAT CERTAIN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ISSUANCE OF STATE BONDS AND TO PAY CLAIMS AGAINST THE STATE OF IDAHO ACCRUING DURING THE YEARS 1895,

1896, 1897, 1898, 1899 AND 1900, WHICH CLAIMS HAVE BEEN APPROVED BY THE STATE BOARD OF EXAMINERS AND CERTIFIED TO THE LEGISLATURE FOR PAYMENT OR RECOMMENDED BY JUDGMENT OF THE SUPREME COURT," PASSED AND APPROVED MARCH 21, 1901, AND TO PAY CERTAIN CLAIMS AGAINST THE STATE OF IDAHO ACCRUING DURING THE YEARS 1895, 1896, 1897, 1898, 1899 AND 1900, AND TO PROVIDE FOR THE PAYMENT OF CERTAIN INTEREST ITEMS WHICH INTEREST ACCRUED UPON CERTAIN OUTSTANDING CLAIMS AGAINST THE STATE OF IDAHO, WHICH CLAIMS WERE PAID UNDER THE ABOVE ACT, LESS THE INTEREST THEN DUE, AND TO PROVIDE FOR AN EMERGENCY CLAUSE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing funds for the payment of certain claims against the State of Idaho, accruing prior to the year 1900, and for the payment of interest on certain other claims accruing during the years 1895, 1896, 1897, 1898, 1899 and 1900, the board designated in that certain act entitled "An act to provide for the issuance of State bonds and to pay claims against the State of Idaho accruing during the years 1895, 1896, 1897, 1898, 1899 and 1900, which claims have been approved by the State Board of Examiners and certified to the Legislature for payment or recommended by the judgment of the Supreme Court," passed and approved March 21st, 1901, is hereby authorized and directed to negotiate the balance of said loan therein provided for and yet unnegotiated, or so much thereof as may be necessary, to pay the interest on the hereinafter described warrants, certificates and judgments, as well as the principal of said warrants or certificates which remains unpaid, said balance of said loan to be negotiated on the faith and credit of the State of Idaho and the said bonds to be issued in the same manner as in said act provided for, except as to the date of said bonds, which shall be April 1st, 1903, and as to the meeting of said board shall be on the 21st day of March, 1903.

SEC. 2. For the purpose of ascertaining the amount of interest actually due and unpaid at the date of the payment of the claims represented by the hereinafter described warrants, certificates and recommendatory judgments, and which is to be paid under the provisions of this act, it is hereby made the duty of the State Auditor, upon presentation to him of a claim for interest, by the legal holder and owner of any of the hereinafter described claims, to compute the amount of interest legally due thereon from the

date of the registration of said warrant or certificates or the rendition of said recommendatory judgment to the date of the payment of the principal thereof, and to certify the amount of such interest to the State Treasurer, who is hereby authorized and directed to pay the same upon such certificate of the State Auditor to the effect that the amount of interest due thereon has been computed by him and is the legal, true and correct interest on said warrant, certificate or recommendatory judgment.

SEC. 3. Said claims with the interest thereon, so computed and certified by the State Auditor as provided in the preceding section shall be paid by the State Treasurer out of "Bond Deficiency Fund, 1901." Said Treasurer shall make a full and complete record of the payment of said claims and interest to the State Auditor which said record shall show the disposition made thereof with the proper entries on the books of his office.

SEC. 4. The following are the numbers and description of the warrants, certificates and recommendatory judgments upon which interest so found due by the State Auditor as provided in Section 2 hereof is authorized and directed to be paid, to wit:

Warrant No. 456D, issued July 25, 1900.
Warrant No. 465D, issued Sept. 18, 1900.
Warrant No. 468D, issued Oct. 3, 1900.
Warrant No. 469D, issued Oct. 19, 1900.
Warrant No. 346D, issued May 23, 1900.
Warrant No. 489D, issued Dec. 6, 1900.
Warrant No. 481D, issued Dec. 5, 1900.
Warrant No. 488D, issued Dec. 5, 1900.
Warrant No. 490D, issued Dec. 6, 1900.
Warrant No. 324D, issued May 23, 1900.
Warrant No. 378D, issued June 25, 1900.
Warrant No. 470D, issued Oct. 19, 1900.
Warrant No. 342D, issued May 23, 1900.
Warrant No. 464D, issued Sept. 18, 1900.
Warrant No. 329D, issued May 23, 1900.
Warrant No. 317D, issued May 23, 1900.
Warrant No. 466D, issued Oct. 3, 1900.
Warrant No. 345D, issued May 23, 1900.
Warrant No. 387D, issued June 25, 1900.
Warrant No. 332D, issued May 23, 1900.
Warrant No. 333D, issued May 23, 1900.

Warrant No. 401D, issued June 25, 1900.
Warrant No. 454D, issued July 5, 1900.
Warrant No. 455D, issued July 25, 1900.
Warrant No. 384D, issued June 25, 1900.
Warrant No. 459D, issued July 25, 1900.
Warrant No. 457D, issued July 25, 1900.
Warrant No. 458D, issued July 25, 1900.
Warrant No. 372D, issued June 25, 1900.
Warrant No. 318D, issued May 23, 1900.
Warrant No. 473D, issued Oct. 9, 1900.
Warrant No. 515D, issued Dec. 28, 1900.
Warrant No. 517D, issued Dec. 28, 1900.
Warrant No. 578D, issued Dec. 28, 1900.
Warrant No. 348D, issued May 23, 1900.
Warrant No. 362D, issued June 25, 1900.
Warrant No. 370D, issued June 25, 1900.
Warrant No. 453D, issued July 5, 1900.
Warrant No. 371D, issued June 25, 1900.
Warrant No. 319D, issued May 23, 1900.
Warrant No. 340D, issued May 23, 1900.
Warrant No. 277D, issued June 25, 1900.
Warrant No. 379D, issued June 25, 1900.
Warrant No. 417D, issued June 25, 1900.
Warrant No. 400D, issued June 25, 1900.
Warrant No. 321D, issued May 23, 1900.
Warrant No. 366D, issued May 23, 1900.
Warrant No. 369D, issued June 25, 1900.
Warrant No. 322D, issued May 23, 1900.
Warrant No. 441D, issued June 25, 1900.
Warrant No. 325D, issued May 23, 1900.
Warrant No. 330D, issued May 23, 1900.
Warrant No. 335D, issued May 23, 1900.
Warrant No. 343D, issued May 23, 1900.
Warrant No. 359D, issued June 25, 1900.
Warrant No. 360D, issued June 25, 1900.
Warrant No. 399D, issued June 25, 1900.
Warrant No. 435D, issued June 25, 1900.
Warrant No. 313D, issued May 23, 1900.
Warrant No. 323D, issued May 23, 1900.
Warrant No. 312D, issued May 23, 1900.
Warrant No. 314D, issued May 23, 1900.
Warrant No. 315D, issued May 23, 1900.
Warrant No. 316D, issued May 23, 1900.

Warrant No. 320D, issued May 23, 1900.
Warrant No. 326D, issued May 23, 1900.
Warrant No. 327D, issued May 23, 1900.
Warrant No. 331D, issued May 23, 1900.
Warrant No. 338D, issued May 23, 1900.
Warrant No. 349D, issued May 23, 1900.
Warrant No. 353D, issued May 23, 1900.
Warrant No. 354D, issued May 23, 1900.
Warrant No. 356D, issued June 25, 1900.
Warrant No. 388D, issued June 25, 1900.
Warrant No. 390D, issued June 25, 1900.
Warrant No. 434D, issued June 25, 1900.
Warrant No. 436D, issued June 25, 1900.
Warrant No. 440D, issued June 25, 1900.
Warrant No. 442D, issued June 25, 1900.
Warrant No. 452D, issued July 2, 1900.
Warrant No. 361D, issued June 25, 1900.
Warrant No. 382D, issued June 25, 1900.
Warrant No. 433D, issued June 25, 1900.
Warrant No. 358D, issued June 25, 1900.
Warrant No. 364D, issued June 25, 1900.
Warrant No. 365D, issued June 25, 1900.
Warrant No. 366D, issued June 25, 1900.
Warrant No. 367D, issued June 25, 1900.
Warrant No. 368D, issued June 25, 1900.
Warrant No. 373D, issued June 25, 1900.
Warrant No. 375D, issued June 25, 1900.
Warrant No. 380D, issued June 25, 1900.
Warrant No. 381D, issued June 25, 1900.
Warrant No. 383D, issued June 25, 1900.
Warrant No. 385D, issued June 25, 1900.
Warrant No. 386D, issued June 25, 1900.
Warrant No. 391D, issued June 25, 1900.
Warrant No. 392D, issued June 25, 1900.
Warrant No. 394D, issued June 25, 1900.
Warrant No. 402D, issued June 25, 1900.
Warrant No. 403D, issued June 25, 1900.
Warrant No. 404D, issued June 25, 1900.
Warrant No. 405D, issued June 25, 1900.
Warrant No. 418D, issued June 25, 1900.
Warrant No. 419D, issued June 25, 1900.
Warrant No. 420D, issued June 25, 1900.
Warrant No. 421D, issued June 25, 1900.

Warrant No. 422D, issued June 25, 1900.
Warrant No. 423D, issued June 25, 1900.
Warrant No. 424D, issued June 25, 1900.
Warrant No. 426D, issued June 25, 1900.
Warrant No. 427D, issued June 25, 1900.
Warrant No. 428D, issued June 25, 1900.
Warrant No. 429D, issued June 25, 1900.
Warrant No. 304D, issued Jan. 18, 1900.
Warrant No. 172D, issued Oct. 23, 1899.
Warrant No. 251D, issued Dec. 13, 1899.
Warrant No. 198D, issued Oct. 31, 1899.
Warrant No. 176D, issued Oct. 23, 1899.
Warrant No. 165D, issued Oct. 23, 1899.
Warrant No. 280D, issued Dec. 13, 1899.
Warrant No. 2D, issued Aug. 19, 1899.
Warrant No. 3D, issued Aug. 19, 1900.
Warrant No. 4D, issued Aug. 19, 1899.
Warrant No. 5D, issued Aug. 19, 1899.
Warrant No. 6D, issued Aug. 19, 1899.
Warrant No. 7D, issued Aug. 19, 1899.
Warrant No. 8D, issued Aug. 19, 1899.
Warrant No. 9D, issued Aug. 19, 1899.
Warrant No. 17D, issued Oct. 6, 1899.
Warrant No. 18D, issued Oct. 6, 1899.
Warrant No. 19D, issued Oct. 6, 1899.
Warrant No. 20D, issued Oct. 6, 1899.
Warrant No. 21D, issued Oct. 6, 1899.
Warrant No. 22D, issued Oct. 6, 1899.
Warrant No. 24D, issued Oct. 6, 1899.
Warrant No. 25D, issued Oct. 6, 1899.
Warrant No. 26D, issued Oct. 6, 1899.
Warrant No. 27D, issued Oct. 6, 1899.
Warrant No. 28D, issued Oct. 6, 1899.
Warrant No. 29D, issued Oct. 6, 1899.
Warrant No. 30D, issued Oct. 6, 1899.
Warrant No. 31D, issued Oct. 6, 1899.
Warrant No. 32D, issued Oct. 6, 1899.
Warrant No. 33D, issued Oct. 6, 1899.
Warrant No. 34D, issued Oct. 6, 1899.
Warrant No. 35D, issued Oct. 6, 1899.
Warrant No. 36D, issued Oct. 6, 1899.
Warrant No. 37D, issued Oct. 6, 1899.
Warrant No. 39D, issued Oct. 6, 1899.

Warrant No. 40D, issued Oct. 6, 1899.
Warrant No. 41D, issued Oct. 6, 1899.
Warrant No. 42D, issued Oct. 6, 1899.
Warrant No. 43D, issued Oct. 6, 1899.
Warrant No. 44D, issued Oct. 6, 1899.
Warrant No. 45D, issued Oct. 6, 1899.
Warrant No. 46D, issued Oct. 6, 1899.
Warrant No. 47D, issued Oct. 6, 1899.
Warrant No. 48D, issued Oct. 6, 1899.
Warrant No. 49D, issued Oct. 6, 1899.
Warrant No. 50D, issued Oct. 6, 1899.
Warrant No. 51D, issued Oct. 6, 1899.
Warrant No. 52D, issued Oct. 6, 1899.
Warrant No. 53D, issued Oct. 6, 1899.
Warrant No. 54D, issued Oct. 6 ,1899.
Warrant No. 55D, issued Oct. 6, 1899.
Warrant No. 56D, issued Oct. 6, 1899.
Warrant No. 57D, issued Oct. 6, 1899.
Warrant No. 58D, issued Oct. 6, 1899.
Warrant No. 59D, issued Oct. 6, 1899.
Warrant No. 60D, issued Oct. 6, 1899.
Warrant No. 61D, issued Oct. 6, 1899.
Warrant No. 62D, issued Oct. 6, 1899.
Warrant No. 68D, issued Oct. 6, 1899.
Warrant No. 69D, issued Oct. 6, 1899.
Warrant No. 70D, issued Oct. 6, 1899.
Warrant No. 64D, issued Oct. 6, 1899.
Warrant No. 65D, issued Oct. 21, 1899.
Warrant No. 146D, issued Oct. 21, 1899.
Warrant No. 159D, issued Oct. 21, 1899.
Warrant No. 145D, issued Oct. 21, 1899.
Warrant No. 143D, issued Oct. 21, 1899.
Warrant No. 148D, issued Oct. 31, 1899.
Warrant No. 160D, issued Oct. 6, 1899.
Warrant No. 161D, issued Oct. 23, 1899.
Warrant No. 163D, issued Oct. 23, 1899.
Warrant No. 164D, issued Oct. 23, 1899.
Warrant No. 169D, issued Oct. 23, 1899.
Warrant No. 182D, issued Oct. 23, 1899.
Warrant No. 141D, issued Oct 21, 1899.
Warrant No. 147D, issued Oct. 21, 1899.
Warrant No. 150D, issued Oct. 21, 1899.
Warrant No. 156D, issued Oct. 21, 1899.

Warrant No. 158D, issued Oct. 21, 1899.
Warrant No. 166D, issued Oct. 23, 1899.
Warrant No. 76D, issued Oct 6, 1899.
Warrant No. 84D, issued Oct. 7, 1899.
Warrant No. 225D, issued Oct. 31, 1899.
Warrant No. 226D, issued Oct. 31, 1899.
Warrant No. 229D, issued Oct. 31, 1899.
Warrant No. 231D, issued Oct. 31, 1899.
Warrant No. 232D, issued Oct. 31, 1899.
Warrant No. 233D, issued Nov. 2, 1899.
Warrant No. 234D, issued Nov. 2, 1899.
Warrant No. 235D, issued Nov. 2, 1899.
Warrant No. 236D, issued Nov. 2, 1899.
Warrant No. 237D, issued Nov. 2, 1899.
Warrant No. 241D, issued Nov. 2, 1899.
Warrant No. 242D, issued Nov. 2, 1899.
Warrant No. 178D, issued Oct. 23, 1899.
Warrant No. 179D, issued Oct 23, 1899.
Warrant No. 180D, issued Oct. 23, 1899.
Warrant No. 153D, issued Oct. 21, 1899.
Warrant No. 199D, issued Oct. 31, 1899.
Warrant No. 82D, issued Oct. 7, 1899.
Warrant No. 83D, issued Oct. 7, 1899.
Warrant No. 85D, issued Oct. 7, 1899.
Warrant No. 86D, issued Oct. 7, 1899.
Warrant No. 88D, issued Oct. 7, 1899.
Warrant No. 89D, issued Oct. 7, 1899.
Warrant No. 90D, issued Oct. 7, 1899.
Warrant No. 91D, issued Oct. 7, 1899.
Warrant No. 92D, issued Oct. 7, 1899.
Warrant No. 142D, issued Oct. 21, 1899.
Warrant No. 177D, issued Oct. 23, 1899.
Warrant No. 195D, issued Oct. 31, 1899.
Warrant No. 196D, issued Oct. 31, 1899.
Warrant No. 203D, issued Oct. 31, 1899.
Warrant No. 208D, issued Oct. 31, 1899.
Warrant No. 181D, issued Oct. 31, 1899.
Warrant No. 189D, issued Oct. 21, 1899.
Warrant No. 205D, issued Oct. 21, 1899.
Warrant No. 23D, issued Oct. 6, 1899.
Warrant No. 168D, issued Oct. 23, 1899.
Warrant No. 190D, issued Oct. 31, 1899.
Warrant No. 80D, issued Oct. 6, 1899.

Warrant No. 162D, issued Oct. 23, 1899.
Warrant No. 227D, issued Oct. 31, 1899.
Warrant No. 228D, issued Oct. 31, 1899.
Warrant No. 230D, issued Oct. 5, 1899.
Warrant No. 73D, issued Oct. 6, 1899.
Warrant No. 144D, issued Oct. 21, 1899.
Warrant No. 154D, issued Oct. 21, 1899.
Warrant No. 201D, issued Oct. 31, 1899.
Warrant No. 206D, issued Oct. 31, 1899.
Warrant No. 74D, issued Oct. 6, 1899.
Warrant No. 77D, issued Oct. 6, 1899.
Warrant No. 81D, issued Oct. 6, 1899.
Warrant No. 238D, issued Nov. 2, 1899.
Warrant No. 260D, issued Dec. 13, 1899.
Warrant No. 267D, issued Dec. 13, 1899.
Warrant No. 272D, issued Dec. 13, 1899.
Warrant No. 273D, issued Dec. 13, 1899.
Warrant No. 243D, issued Dec. 8, 1899.
Warrant No. 258D, issued Dec. 13, 1899.
Warrant No. 244D, issued Dec. 8, 1899.
Warrant No. 248D, issued Dec. 13, 1899.
Warrant No. 259D, issued Dec. 13, 1899.
Warrant No. 269D, issued Dec. 13, 1899.
Warrant No. 249D, issued Dec. 13, 1899.
Warrant No. 283D, issued Dec. 13, 1899.
Warrant No. 204D, issued Oct. 31, 1899.
Warrant No. 253D, issued Dec. 13, 1899.
Warrant No. 270D, issued Dec. 13, 1899.
Warrant No. 271D, issued Dec. 13, 1899.
Warrant No. 275D, issued Dec. 13, 1899.
Warrant No. 278D, issued Dec. 13, 1899.
Warrant No. 288D, issued Dec. 19, 1899.
Warrant No. 290D, issued Dec. 19, 1899.
Warrant No. 245D, issued Dec. 8, 1899.
Warrant No. 246D, issued Dec. 13, 1899.
Warrant No. 252D, issued Dec. 13, 1899.
Warrant No. 265D, issued Dec. 13, 1899.
Warrant No. 257D, issued Dec. 13, 1899.
Warrant No. 261D, issued Dec. 13, 1899.
Warrant No. 276D, issued Dec. 13, 1899.
Warrant No. 279D, issued Dec. 13, 1899.
Warrant No. 281D, issued Dec. 13, 1899.
Warrant No. 285D, issued Dec. 19, 1899.

Warrant No. 287D, issued Dec. 19, 1899.
Warrant No. 194D, issued Oct. 31, 1899.
Warrant No. 255D, issued Dec. 13, 1899.
Warrant No. 263D, issued Dec. 13, 1899.
Warrant No. 264D, issued Dec. 13, 1899.
Warrant No. 274D, issued Dec. 13, 1889.
Warrant No. 293D, issued Dec. 23, 1899.
Warrant No. 294D, issued Dec. 23, 1899.
Warrant No. 296D, issued Des. 23, 1899.
Warrant No. 297D, issued Dec. 23, 1899.
Warrant No. 298D, issued Dec. 23, 1899.
Warrant No. 299D, issued Dec. 23, 1899.
Warrant No. 187D, issued Oct. 31, 1899.
Warrant No. 254D, issued Dec. 13, 1899.
Warrant No. 265D, issued Dec. 13, 1899.
Warrant No. 289D, issued Dec. 19, 1899.
Warrant No. 292D, issued Oct. 23, 1899.
Warrant No. 149D, issued Oct. 21, 1899.
Warrant No. 250D, issued Dec. 13, 1899.
Warrant No. 286D, issued Dec. 19, 1899.
Warrant No. 174D, issued Oct. 23, 1899.
Warrant No. 284D, issued Dec. 19, 1899.
Warrant No. 282D, issued Dec. 13, 1899.
Warrant No. 173D, issued Oct. 23, 1899.
Warrant No. 240D, issued Nov. 2, 1899.
Warrant No. 186D, issued Oct. 23, 1899.
Warrant No. 247D, issued Dec. 13, 1899.
Warrant No. 171D, issued Oct. 23, 1899.
Warrant No. 266D, issued Dec. 13, 1899.
Warrant No. 268D, issued Dec. 13, 1899.
Warrant No. 87D, issued Oct. 7, 1899.
Warrant No. 105D, issued Oct. 12, 1899.
Warrant No. 463D, issued July 25, 1900.
Warrant No. 516D, issued Dec. 28, 1900.
Warrant No. 514D, issued Dec. 28, 1900.
Warrant No. 562D, issued Jan. 5, 1900.
Warrant No. 395D, issued June 25, 1900.
Warrant No. 337D, issued May 23, 1900.
Warrant No. 350D, issued May 23, 1900.
Warrant No. 339D, issued May 23, 1900.
Warrant No. 397D, issued June 25, 1900.
Warrant No. 491D, issued Dec. 6, 1900.
Warrant No. 193D, issued Oct. 31, 1899.

Warrant No. 300D, issued Jan. 13, 1899.
Warrant No. 301D, issued Jan. 13, 1899.
Warrant No. 392D, issued Jan. 13, 1899.
Warrant No. 303D, issued Sept. 6, 1899.

SEC. 5. That the fund to pay said interest on said bonds and to pay bonds and the manner and time of payment of both interest and bonds shall be in all manner as prescribed and provided in Section 2 of said act heretofore referred to, passed and approved the 21st day of March, 1901. That this act shall be considered supplementary to said act and for the purpose of providing for the indebtedness and interest items omitted from said act.

SEC. 6. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved the 16th day of March, 1903.

HOUSE BILL NO. 185.—SUBSTITUTE FOR HOUSE BILL NO.105.

AN ACT

AMENDING AN ACT ENTITLED "AN ACT PROVIDING FOR THE INCORPORATION OF CHURCHES AND RELIGIOUS SOCIETIES" APPROVED FEBRUARY 14TH, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2 of an "Act providing for the incorporation of churches, and religious societies," approved February 14th, 1899, be amended to read as follows:

Section 2. Any person being the archbishop, bishop, president, trustee intrust, president of stake, overseer, presiding elder, rabbi or clergyman, of any church or religious society, who shall have been duly chosen, elected or appointed, in conformity with the constitution, canons, rights, regulation or discipline of said church, or religious society, and in whom shall be vested the legal title to the property of such church or religious society, may make and subscribe written articles of incorporation in duplicate, and acknowledge, the same, before some officer authorized to take acknowledgments and file one of such articles in the office of the Secretary of State and retain possession of the other.

SEC. 2. That Section 4 of said act, be amended to read as follows:

Section 4. Upon making and filing for record articles of incorporation as herein provided, the person subscribing

the same as his successor in office by the name or title specified in the articles, shall thereafter be deemed and is hereby created a body politic and a corporation sole, with continual perpetual succession, and shall have power to acquire and possess, by donation gift, bequest devise or purchase, and to hold and maintain property, real, personal, and mixed, and to grant, sell, convey, rent, or otherwise dispose of, the same as may be necessary to carry on or promote the objects of the corporation; and shall have authority to borrow money and to give written obligations therefor, and to secure the payment thereof by mortgage or other lien, upon real or personal property, when necessary to promote said objects.

SEC. 3. That Section 6 of said act, be amended to read as follows:

Section 6. All deeds and other instruments of writing shall be made in the name of the corporation, and signed by the person representing the corporation in the official capacity designated in the articles of incorporation, and be sealed with the seal of the corporation, an impression of which seal shall be filed in the office of the Secretary of State.

SEC. 4. That the following section be added to said act as Section 8 thereof:

Section 8. In the event of the death or resignation of any such archbishop, bishop, president, trustee in trust, president of stake, overseer, presiding elder, rabbi or clergyman, or of his removal therefrom, by the person or body having the authority to remove him when such person is at the time a corporation sole, his successor in office as such corporation sole, shall be vested with the title to any and all property held by his predecessor, as such corporation sole, with like power and authority over the same, and subject to all the legal liabilities and obligations thereto. Such successor shall file in the office of the county recorder of each county wherein any of said real property is situated a certified copy of his commission, certificate, or letter of election or appointment.

SEC. 5. That the following section be added to said act as Section 9 thereof:

Section 9. In case of the death, resignation or removal of any such archbishop, bishop, president, trustee in trust, president of stake, overseer, presiding elder, rabbi or cler-

gyman, who, at the time of his death, resignation or removal, was holding the title to trust property for the use or benefit of any church or religious society, and not incorporated as a corporation sole, the title to any and all such property held by him, of every nature and kind, shall not revert to the donor nor vest in the heirs of such deceased person, but shall be deemed to be in abeyance after such death, resignation or removal, until his successor is duly appointed to fill such vacancy, and, upon the appointment of such successor, the title to all the property held by his predecessors shall at once without any act or deed, vest in the person appointed to fill such vacancy.

SEC. 6. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved the 10th day of March, 1903.

HOUSE BILL NO. 186.

AN ACT

LEVYING AN AD VALOREM TAX TO PROVIDE REVENUE FOR THE STATE OF IDAHO FOR THE YEARS 1903 AND 1904.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby levied for State purposes for the years 1903 and 1904, respectively, upon all property not exempt by law from taxation, an annual advalorem tax of two hundred and seventy-five thousand dollars.

SEC. 2. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 187.

AN ACT

MAKING APPROPRIATIONS FOR THE PAYMENT OF OFFICERS AND EMPLOYEES AND THE GENERAL EXPENSE OF THE STATE GOVERNMENT FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1903, AND ENDING THE FIRST MONDAY OF JANUARY, 1905.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the payment of the salaries of the State officers and employees and the expenses of the State government for the period commencing the first Monday of

January 1903, and ending the first Monday of January, 1905 to be paid out of the general fund of the State, unless herein otherwise stated:

Governor.

Salary	$ 6,000 00
Executive Secretary	2,400 00
Miscellaneous expense	2,600 00

Treasurer.

Salary	$ 2,000 00
Salary deputy	3,000 00
Salary extra clerk	250 00
Printing, stationery, postage, telegraphing and express	1,100 00

State Auditor.

Salary	$ 3,600 00
Salary, chief clerk	3,000 00
Other clerk hire	3,875 00
Printing, stationery, postage, telegraphing, express and incidentals	2,800 00
Office furniture and vault fixtures	1,200 00
One book typewriter	225 00

Attorney General.

Salary	$ 4,000 00
Salary, stenographer,	2,000 00
Postage, express, telegraphing, traveling expenses and incidentals	1,875 00

Secretary of State.

Salary	$ 3,600 00
Salary chief clerk	3,000 00
Salary, recorder and assistant clerk,	1,800 00
Salary stenographer	1,200 00
Stationery and supplies, postage and express	1,600 00
Publishing laws and journals	2,875 00
Lithographing	250 00
Printing special laws	1,000 00
One book typewriter	175 00

Supreme Court.

Salary of judges	$18,000 00
Salary, clerk	4,000 00
Salary, deputy clerk Lewiston	1,000 00
Salary, stenographer,	2,000 00
Crier, bailiff and messenger,	1,400 00
Traveling expenses, judges	2,400 00

Traveling expenses, clerk	200 00
Rent of office, Lewiston	250 00
Stationery, printing, calendars, postage, records, and blanks	1,050 00
Incidentals,	300 00
Furnishings, and repairs for court room and chambers,	600 00

District Court.

Salary, of judges	$36,000 00
Salary stenographers,	12,000 00
Traveling expenses of judges	6,000 00
Traveling expenses of stenographers	2,000 00

Superintend of Public Instruction.

Salary	$ 3,000 00
Salary, clerk	2,400 00
Traveling expenses	1,000 00
Postage, express, stationery and incidentals	800 00
Printing school laws	350 00
Printing constitution	250 00
Printing high school course	250 00
Printing text books	250 00
Printing biennial report	300 00
Miscellaneous printing	400 00

Capitol Building.

Maintenance	$10,000 00
Improvements and repairs	10,000 00

Insane Asylum.

Maintenance	$75,000 00
Improvements	5,000 00

Penitentiary.

Maintenance	$75,000 00

Land Department.

General expenses	$30,000 00
Surveying government lands	20,000 00

State Engineer.

Salary	$ 4,000 00
Traveling and general office expenses	6,500 00
Office furniture and instruments	500 00

Lewiston Normal School.

Maintenance and general expense	$30,000 00

Albion State Normal School

Maintenance and general expense	$22,000 00

Soldiers' Home.

Maintenance and general expenses	$18,000 00
Improvements	5,000 00

Mine Inspector.

Salary	$ 2,400 00
Traveling expenses	2,600 00
Printing and office expense	1,000 00

Deaf Dumb and Blind.

Maintenance	$18,000 00

Sheep Inspector.

Salary	$ 2,400 00
Traveling expenses and mileage	2,000 00

Board of Horticulture.

General expenses	$10,000 00

University.

Maintenance	$42,000 00
Stocking farms, fencing, etc	5,000 00
Farmers' Institute,	2,000 00
Regents, traveling expenses	1,000 00

State Law Librarian.

Salary of librarian	$ 1,800 00
Board of pardons	300 00
Board of equalization	300 00

Adjutant General.

Salary	$ 2,000 00
Printing and office expenses and traveling expenses	1,350 00
Freight and repairs on arsenal	400 00

Commissioner of Immigration.

General expenses	$10,000 00

Academy of Idaho.

Maintenance,	$20,000 00

State Library Commission.

Purchase of books	$ 2,000 00
Clerk hire and incidental expenses	3,000 00

Insurance Department.

Salary	$ 3,000 00
Traveling expenses, postage, and incidentals	1,000 00

Official Bonds and Insurance.

Premium	2,200 00

SEC. 2. The fees and salaries of all State officers and employees mentioned in Section 1 of this act shall be full compensation for all services rendered or to be rendered

the State by such officers and employees during the two years beginning of the first Monday of January, 1903, and ending on the first Monday, January, 1905.

SEC. 3. The amount of moneys derived from funds created by law for specific purposes are hereby appropriated for such purposes.

SEC. 4. The State Auditor is hereby authorized and required upon presentation of the proper vouchers approved by the State Board of Examiners, as provided by law, to draw his warrant on the stated fund and against the appropriations as made in the preceding sections of this act, in favor of the parties entitled thereto.

SEC. 5. Each State officer and each State Board authorized to draw against the appropriations provided for in this act shall keep an itemized account of all expenditures made by them and report the same with voucher, to the Committee on State Affairs and Federal Relations of the House of Representatives at the next ensuing regular session of the Legislature.

SEC. 6. No officer or employee of the State has power to create any deficiency, nor shall he create any deficiency, in excess of the appropriation made by law for the specific purpose or purposes hereinbefore in this act provided, except in case of actual necessity and then only upon the written authority first obtained of the State Board of Examiners or a majority of said board, any indebtedness attempted to be created against the State in violation of the provisions of this section shall be void.

SEC. 7. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved the 11th day of March, 1903.

HOUSE BILL NO. 188.

AN ACT

PROVIDING MONEY TO PAY CERTAIN APPROPRIATIONS MADE BY THE LEGISLATURE, AND TO PAY CERTAIN DEFICIENCY CLAIMS AGAINST THE STATE OF IDAHO BY PROVIDING FOR THE ISSUANCE OF BONDS AND MAKING PROVISION FOR THE PAYMENT OF INTEREST THEREON AND CREATING A SINKING FUND.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. For the purpose of providing money to pay certain appropriations made by the Legislature at the Seventh, 1903, Session thereof, and to pay certain deficien-

cy claims against the State of Idaho, hereinafter, in this act specified and set forth, a loan of one hundred and sixty-three thousand ($163,000.00) dollars, or so much thereof as may be necessary, is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General on the faith and credit of the State of Idaho.

SEC. 2. Bonds shall be issued in denominations of one thousand ($1000.00) dollars each, or in a less denomination if found necessary. They shall be dated April, first 1903, and be payable in twenty years from the date thereof and shall bear interest at the rate of 4 per cent. per annum, payable semi-annually on the first days of April and October of each year at the office of the State Treasurer in the City of Boise, Idaho, or at a bank in the city, county and State of New York, to be designated by the State Treasurer, but said bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten years from their date, and shall be numbered consecutively. The State Treasurer is hereby authorized and required to cause to be printed, or lithographed, suitable bonds in proper form with coupons attached. The bonds hereby authorized shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State of Idaho, and the same shall also be signed by the Governor of the State, with his own proper name, with his official character affixed, and then shall be delivered by the Secretary of State to the State Auditor who shall make and keep a register of said bonds showing the number and amount of each bond, and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of such bond.

SEC. 3. At the time of issuing said bond the State Treasurer shall sign them with his own proper name, with his official character affixed, and shall in like manner sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds and shall be numbered consecutively in conformity with bond to which they are attached. The Treasurer shall keep a register of all the bonds issued by him, showing the

date of issuance, and shall deliver said bonds with coupons attached to the purchaser or purchasers, upon receipt of the purchase money therefor. The State Board of Land Commissioners is hereby authorized and directed to invest any moneys in the general school fund of the State in the bonds authorized by this act to be issued, at their par value; the remainder of such bonds, if any, to be negotiated by a sale to the highest responsible bidder: *Provided,* That none of said bonds shall be so sold for less than their face or par value. The money received from the sale of said bonds shall be by the Treasurer placed in the several funds and in the several amounts as hereinafter, in this section, stated, to wit:

Fifteen thousand ($15000) dollars in "Idaho Industrial Reform School Fund;" fifteen thousand ($15000) dollars in the "Weiser Bridge Fund;" thirty-five ($35000) dollars in the "St. Louis and Lewis and Clark Exposition Fund;" twenty thousand ($20000.) dollars in "Long Valley and Roosevelt State Wagon Road Fund;" seven thousand five hundred ($7500) dollars in "Supreme Court Decisions Fund;" twenty thousand ($20000) dollars in "Sugar Bounty Fund" and the remainder in a fund to be known as "Bond Deficiency Fund 1903." The Treasurer is hereby authorized to pay out of the said several funds all warrants properly drawn on the same and out of the moneys in the "Bond Deficiency Fund, 1903, to pay warrants for the following unpaid deficiency claims, to wit:

1.	E. J. Dockery, land deptmt. def. cert. 4,..	$ 151 24
2.	E. L. Ballard, land deptmt. def. cert. 6,..	40 21
3.	B. F. Hurst, land deptmt. def. cert. 6a,...	255 00
4.	T. B. Martin, land deptmt. def. cert. 7,..	41 00
5.	T. B. Martin, land deptmt. def. cert. 8,...	125 00
6.	Lewiston Tribune, land deptmt def. cert. 9	80 00
7.	C. B. Steunenberg, land deptmt. def. cert. 10	125 00
8.	The Leader, land deptmt. def. cert. 11,....	31 25
9.	Boise Transfer and S. C., land deptmt. def. cert. 12, ...	5 73
10.	W. H. Bassett, land deptmt. def. cert. 13,	56 75
11.	Alpha Kinsey, land deptmt def. cert. 14,	70 00
12.	C. B. Steunenberg, land deptmt. def. cert. 15, ...	77 95
13.	Maud Marsh, land deptmt. def. cert. 16,..	30 00

14.	C. H. Harvey, land deptmt. def. cert. 17,..	214 60
15.	C. H. Harvey, land deptmt. def. cert. 18,..	44 95
16.	M. J. Dowd, land deptmt. def. cert. 19,..	212 60
17.	C. B. Steunenberg, land deptmt. def. cert. 20, ...	376 00
18.	C. B. Steunenberg, land deptmt. def. cert. 21, ...	103 15
19.	Democratic Times, land deptmt. def. cert. 22, ...	12 50
20.	Western U. Tele. Co., land deptmt. def. cert. 23, ...	3 03
21.	Boise Transfer and S. Co., land deptmt. def. cert. 24, ...	5 58
22.	Lewiston Tribune, land deptmt. def. cert. 25, ...	9 25
23.	Idaho State Tribune, land deptmt. def. cert. 26, ...	8 75
24.	The Idaho Leader, land deptmt. def. cert. 27, ...	10 00
25.	H. L. Carlton, land deptmt. def. cert. 28,..	87 90
26.	W. H. Taylor, land deptmt. def. cert. 29	347 20
27.	E. J. Dockery, land deptmt. def. cert. 30.	600 00
28.	Capital News Pub. Co., land deptmt. def. cert. 31, ...	23 00
29.	Thos. B. Martin, land Deptmt. def. cert. 32, ...	125 00
30.	Thos. B. Martin, land deptmt. def. cert. 33, ...	42 75
31.	C. H. Croker & Co., land deptmt. def. cert. 34, ...	3 00
32.	Alpha Kinsey, land deptmt. def. cert. 35..	70 00
33.	T. E. Mix, land deptmt. def. cert. 36....	18 00
34.	C. B. Steunenberg, land deptmt. def. cert. 37, ...	130 25
35.	Maud Marsh, land deptmt. def. cert. 38..	30 00
36.	Ada County Abst. Co., land deptmt. def. cert. 39, ...	14 50
37.	The Independent, land deptmt. def. cert. 40, ...	10 00
38.	Edward A. Walters, land deptmt. def. cert. 41, ...	250 00
39.	Boot & Steineck, land deptmt. def. cert. 42,	36 50

40.	Western U. Tele. Co., land deptmt. def. cert. 43, ...	3 90
41.	Idaho Ind. Tele. Co., land deptmt. def. cert. 44, ...	25
42.	Ada County Abst. Co., land deptmt. def. cert. 45, ...	7 50
43.	M. J. Dowd, land deptmt. def. cert. 46...	217 00
44.	R. M. B. Telephone Co., land deptmt. def. cert. 47, ...	4 30
45.	C. B. Steunenberg, land deptmt. def. cert. 48	156 50
46.	Thos. B. Martin, land deptmt. def. cert. 49	125 00
47.	Thos. B. Martin, land deptmt. def. cert. 50,	49 50
48.	F. E. Mix, land deptmt. def. cert. 51.....	243 15
49.	St. Marie's Courier, land deptmt. def. cert. 52, ...	33 00
50.	H. L. Carlton, land deptmt. def. cert. 53,..	199 20
51.	James A. Pinney & Co., land deptmt. def. cert. 54, ...	3 45
52.	Alpha H. Kinsey, land deptmt. def. cert. 55, ...	70 00
53.	Maud Marsh, land dept. def. cert. 56....	30 00
54.	W. H. Bassett, land deptmt. def. cert. 57,	179 40
55.	C. B. Steunenberg, land deptmt. def. cert. 58, ...	127 40
56.	R. M. B. Telephone Co., land deptmt. def. cert. 59, ...	4 50
57.	M. J. Dowd, land deptmt. def. cert. 62...	191 00
58	W. H. Bassett, land deptmt. def. cert. 63,	24 00
59.	Western U. Tele. Co., land deptmt. def. cert. 64, ...	10 09
60.	Mrs. A. H. Kinsey, land deptmt. def. cert. 65, ...	30 00
61.	C. B. Steunenberg, land deptmt. def. cert. 66, ...	125 00
62.	Alpha A. Kinsey, land deptmt. def. cert. 67, ...	74 00
63.	T. B. Martin, land deptmt. def. cert. 68,..	125 00
64.	M. J. Dowd, land deptmt. def. cert. 69,..	201 50
65.	Ernest G. Eagleson, land deptmt. def. cert. 70, ...	31 50
66.	Seven Devils Standard, land deptmt. def. cert. 71, ...	19 25

67.	J. C. White, land deptmt. def. cert. 72,..	46 50
68.	C. H. Crooker & Co., land deptmt. def. cert. 73, ...	282 00
68.	Thos. B. Martin, land deptmt. def. cert. 74, ...	60 50
70.	James A. Pinney & Co., land deptmt. def. cert. 75, ...	1 75
71.	Pacific Express, land deptmt. def. cert. 76,	3 40
72.	Henry L. Carlton, land deptmt. def. cert. 77, ...	137 75
73.	Boise Transfer and S. Co., land deptmt. def. cert. 78, ...	7 75
74.	D. W. Ross, land deptmt. def. cert. 79,..	49 65
75.	Thos. B. Martin, land deptmt. def. cert. 80,	125 00
76.	A. H. Kinsey, land deptmt. def. cert. 81,..	70 00
77.	Mrs. Alpha Kinsey, land deptmt. def. cert. 82, ...	30 00
78.	Idaho Ind. Tele. Co., land deptmt. def. cert. 83, ...	25
79.	Thos. B. Martin, land deptmt. def. cert. 97, ...	44 00
80.	C. B. Steunenberg, land deptmt. def. cert. 98, ...	215 25
81.	C. H. Crocker & Co., land deptmt. def. cert. 116, ...	9 00
82.	M. J. Dowd, land deptmt. def. cert. 117,..	200 00
83.	T. B. Martin, land deptmt. def. cert. 118,	125 00
84.	T. B. Martin, land deptmt. def. cert. 119,	43 60
85.	F. E. Mix, land deptmt. def. cert. 120,...	120 10
86.	T. B. Martin, land deptmt. def. cert. 121,	30 00
87.	Henry L. Carlton, land deptmt. def. cert. 122, ...	185 00
88.	A. H. Kinsey (Mrs.), land deptmt. def. cert. 123, ...	30 00
89.	Alpha Kinsey, land deptmt. def. cert. 124,	70 00
90.	H. A. Hart, land deptmt. def. cert. 125,..	15 00
91.	The Leader, land deptmt. def. cert. 126..	16 00
92.	C. B. Steunenberg, land deptmt. def. cert. 127, ...	139 00
93.	Elmina E. Fry, land deptmt. def. cert. 128,	13 30
94.	M. A. Bates, land deptmt. def. cert. 129,..	17 60
95.	W. B. Mix, land deptmt. def. cert. 141,..	212 90

96.	News Publishing Co., land deptmt. def. cert. 142,	9 00
97.	Al. Ostner, land deptmt. def. cert. 143,..	12 00
98.	Idaho World, land deptmt. def. cert. 144,	25 00
99.	H. A. Hart, land deptmt. def. cert. 145,...	9 50
100.	Western U. Tele. Co., land deptmt. def. cert. 146,	3 89
101.	R. M. B. Tele. Co., land deptmt. def. cert. 147,	1 60
102.	Pioneer Book Store, land deptmt. def. cert. 148,	5 50
103.	Press Publishing Co., land deptmt. def. cert. 149,	20 25
104.	M. J. Dowd, land deptmt. def. cert. 150,..	212 10
105.	Capital News Ptg. Co., land deptmt. def. cert. 151,	25 00
106.	C. B. Steunenberg, land deptmt. def. cert. 152,	11 90
107.	F. E. Mix, land deptmt. def. cert. 153,....	139 90
108.	John B. Goode, land deptmt. def. cert. 158,	100 00
109.	John B. Goode, land deptmt. def. cert. 159,	200 00
110.	Mrs. A. H. Kinsey, land deptmt. def. cert. 166,	30 55
111.	L. R. Leeds, land deptmt. def. cert. 167,..	12 30
112.	Pioneer Book Store, land deptmt. def. cert. 168,	6 50
113.	Idaho Leader, land deptmt. def. cert. 169,.	6 50
114.	Caldwell News, land deptmt. def. cert. 170,	30 25
115.	Caldwell News, land deptmt. def. cert. 179,	12 50
116.	Salmon Meadows Eagle, land deptmt. def. cert. 171,	55 25
117.	C. H. Crocker & Co., land deptmt. def. cert. 172,	282 00
118.	Henry L. Carlton, land deptmt. def. cert. 173,	219 60
119.	F. E. Mix, land deptmt. def. cert. 174,....	24 00
120.	Alpha H. Kinsey, land deptmt. def. cert. 175,	70 00
121.	Thos. B. Martin, land deptmt. def. cert. 176,	143 70
122.	C. B. Steunenberg, land deptmt. def. cert. 177,	130 00

123.	E. L. Marvin, land deptmt. def. cert. 178,.	23 75
124.	M. D. Barstow, land deptmt. def. cert. 180	22 65
125.	James B. Taylor, land deptmt. def. cert. 181, ...	1 00
126.	W. H. Taylor, land deptmt. def. cert. 182,	611 08
127.	Henry L. Carlton, land deptmt. def. cert. 203, ...	231 10
128.	Peasley Transfer Co., land deptmt. def. cert. 204, ...	50
129.	Carlos H. Moore, land deptmt. def. cert. 205, ...	6 50
130.	Middleton Water Co., land deptmt. def. cert. 206, ...	13 35
131.	Middleton Ditch Co., land deptmt. def. cert. 207, ...	7 50
132.	R. M. B. Tele. Co., land deptmt. def. cert. 208, ...	9 39
133.	Warren Newell, land deptmt. def. cert. 209, ...	15 90
134.	J. D. Flenner, land deptmt. def. cert. 220,	384 00
135.	Thos. B. Martin, land deptmt. def. cert. 228, ...	33 30
136.	Thos. B. Martin, land deptmt. def. cert. 229, ...	142 70
137.	Clerk Dt. Court, Kootenai Co., land deptmt. def. cert. 231	5 30
138.	C. B. Steunenberg, land deptmt. def. cert. 232, ...	212 15
139.	M. J. Dowd, land deptmt. def. cert. 233,..	210 00
140.	E. Buchanan, land deptmt. def. cert. 234,	91 33
141.	Mrs. A. H. Kinsey, land deptmt. def. cert. 235, ...	30 00
142.	Henry L. Carlton, land deptmt. def. cert. 236, ...	111 45
143.	Idaho Ind. Tele. Co., land deptmt. def. cert. 237, ...	25
144.	Ashby Turner, land deptmt. def. cert. 238,	10 00
145.	Western U. Tele. Co., land deptmt. def. cert. 239, ...	3 86
146.	James E. Dunbar, land deptmt. def. cert. 240, ...	6 00
147.	Press Publishing Co., land deptmt. def. cert. 241, ...	21 25

148.	Idaho County Free Press, land deptmt. def. cert. 242,	107 00
149.	M. J. Dowd, land deptmt. def. cert. 243,	201 80
150.	A. H. Kinsey, land deptmt. def. cert. 244,	70 00
151.	Democratic Times, land deptmt. def. cert. 245,	22 50
152.	Lewiston Tribune, land deptmt. def. cert. 246,	15 75
153.	Idaho State Tribune, land deptmt. def. cert. 247,	10 00
154.	Avalanche Pub. Co., land deptmt. def. cert. 248,	10 00
155.	Joseph Penrod, land deptmt. def. cert. 250,	22 00
156.	Western U. Tele. Co., land deptmt. def. cert. 293,	3 48
157.	Western U. Tele. Co., land deptmt. def. cert. 294,	50
158.	R. M. B. Tele. Co., land deptmt. def. cert. 295,	1 65
159.	Capital News Ptg. Co., land deptmt. def. cert. 296,	21 50
160.	W. A. Sogue, land deptmt. def. cert. 297,	16 25
161.	Alpha Kinsey, land deptmt. def. cert. 298,	2 40
162.	F. E. Mix, land deptmt. def. cert. 299,	146 40
163.	F. E. Mix, land deptmt. def. cert. 300,	117 80
164.	W. R. Mix, land deptmt. def. cert. 301,	118 95
165.	W. R. Mix, land deptmt. def. cert. 302,	170 40
166.	Pioneer Book Store, land deptmt. def. cert. 303,	6 35
167.	Oregon Short Ry. Co., land deptmt. def. cert.	5 90
168.	R. J. Lydon, land deptmt. def. cert.	36 47
169.	R. J. Lydon, land deptmt. def. cert.	1 80
170.	Lewiston Tribune, land deptmt. def. cert.	89 25
171.	C. B. Steunenberg, land deptmt. def. cert.	70 30
172.	Alpha Kinsey, land deptmt. def. cert.	37 35
173.	Mrs. A. Kinsey, land deptmt. def. cert.	16 00
174.	Emily S. Driscoll, land deptmt. def. cert.	2 50
175.	McGrew & Abbs, capitol bldg. def. cert. 1	110 00
176.	John P. Tate, capitol bldg. def. cert. 2,	110 00
177.	W. E. Pierce & Co., capitol bldg. def. cert. 3,	110 00

178.	Shaw Lumber Co., capitol bldg. def. cert. 84,	61 23
179.	Mrs. A. M. Rogers, capitol bldg. def. cert. 85,	2 00
180.	Idaho Hdwe. & Plumbing Co., capitol bldg. def. cert. 86,	7 90
181.	A. P. White, capitol bldg. def. cert. 87,	75 00
182.	H. Seller & Co., capitol bldg. def. cert. 88,	1 50
183.	A. P. White, capitol bldg. def. cert. 89,	50
184.	Idaho Ind. Tele. Co., capitol bldg. def. cert. 90,	52 50
185.	Frank M. Powell, capitol bldg. def. cert. 91,	1 50
186.	Frank M. Powell, capitol bldg. def. cert. 92,	75 00
187.	T. S. Thompson, capitol bldg def. cert. 93,	5 00
188.	T. H. Calloway, capitol bldg. def. cert. 94,	75 00
189.	Boise Transfer and S. Co., capitol bldg. def. cert. 95,	2 25
190.	Boise Transfer and S. Co., capitol bldg. def. cert. 96,	2 90
191.	Ballou-Latimer Co., capitol bldg. def. cert. 102,	55
192.	T. H. Calloway, capitol bldg. def. cert. 103,	75 00
193.	A. P. White, capitol bldg. def. cert. 104,	75 00
194.	Boise Artesian H. C. W. Co., capitol bldg. def. cert. 105,	26 05
195.	Walter Goodwin, capitol bldg. def. cert. 106,	3 09
196.	Boise & Electric Ice Co., capitol bldg. def. cert. 107,	10 00
197.	Capital Electric Lt. Co., capitol bldg. def. cert. 108,	50 60
198.	R. M. B. Tele. Co., capitol bldg. def. cert. 109,	14 75
197a.	Frank M. Powell, capitol bldg. def. cert. 132,	75 00
198a.	Falk Mercantile Co., capitol bldg. def. cert. 133,	4 50
199.	Boise Transfer & S. Co., capitol bldg. def. cert. 134,	1 50
200.	Capital Electric Lt. M. & G. Co., capitol bldg. def. cert. 135,	65 00

201. R. M. B. Tele. Co., capitol bldg. def. cert. 136, ... 14 75
202. Boise Artesian H. & C. W. Co., capitol bldg. def. cert. 137, ... 22 25
203. Frank M. Powell, capitol bldg. def. cert. 138, ... 75 00
204. Idaho Hdwr. & Plumbing Co., capitol bldg. def. cert. 139, ... 283 15
205. Charles Irwin, capitol bldg. def. cert. 183, 21 00
206. Boise Ditch Co., capitol bldg. def. cert. 184, ... 75 00
207. Smith & Co., capitol bldg. def. cert. 193,.. 247 50
208. Idaho Hdwr. & Plumbing Co., capitol bldg. def. cert. 194, ... 3 25
209. Shaw Lumber Co., capitol bldg. def. cert. 195, ... 36 60
210. James Baxter & Co., capitol bldg. def. cert. 196, ... 55 53
211. Mrs. A. M. Rogers, capitol bldg. def. cert. 197, ... 4 50
212. T. H. Calloway, capitol bldg. def. cert. 198, 75 00
213. Frank M. Powell, capitol bldg. def. cert. 199, ... 75 00
214. Capital Electric Lt. Co., capitol bldg. def. cert. 200, ... 89 55
215. A. P. White, capitol bldg. def. cert. 201,.. 75 00
216. Thos. White, capitol bldg. def. cert. 210,.. 30 00
217. Boise Artesian H. & C. W. Co., capitol bldg. def. cert. 211, ... 20 25
218. Boise Transfer & S. Co., capitol bldg. def. cert. 212, ... 1 50
219. R. M. B. Tele. Co., capitol bldg. def. cert. 213, ... 14 75
220. T. H. Calloway, capital bldg. def. cert. 221, 75 00
221. Frank M. Powell, capitol bldg. def. cert. 222, ... 75 00
222. Mrs. A. M. Rogers, capitol bldg. def. cert. 223, ... 2 00
223. Idaho Ind. Tele. Co., capitol bldg. def. cert. 224, ... 49 50
224. A. P. White, capitol bldg. def. cert. 225,.. 75 00
225. T. S. Thompson, capitol bldg. def. cert. 226, 12 50
226. Smith & Co., capitol bldg. def. cert. 227,.. 225 00

227.	J. M. Neil & Co., capitol bldg. def. cert. 304, ...	18 00
228.	John H. Meyer & Co., capitol bldg. def. cert. 305, ...	16 00
229.	F. J. Derifield, capitol bldg. def. cert. 306,	1 25
230.	Boise & Electric Ice Co., capitol bldg. def. cert. 307, ...	12 00
231.	T. S. Thompson, capitol bldg. def. cert. 308, ...	10 00
232.	Ballou-Latimer Co., capitol bldg. def. cert. 309, ...	1 00
233.	Capital Electric Lt. Co., capitol bldg. def. cert. 310, ...	127 05
234.	Boise Artesian H. & C. W. Co., capitol bldg. def. cert. 311, ...	20 25
235.	Idaho Hdwr. & Plumb. Co., capitol bldg. def. cert. 312, ...	18 00
236.	Falk Mercantile Co., capitol bldg. def. cert. 313, ...	11 90
237.	Chas. Irwin, capitol bldg. def. cert. 314,..	37 50
238.	J. C. White, capitol bldg. def. cert. 315,..	35 00
239.	Shaw Lumber Co., capitol bldg. def. cert. 321, ...	44 85
240.	Frank M. Powell, capitol bldg. def. cert..	12 50
241.	T. H. Calloway, capitol bldg. def. cert....	10 00
242.	R. M. B. Telephone Co., capitol bldg. def. cert.	14 75
243.	Walter Goodwin, capitol bldg. def. cert..	2 25
244.	Carl R. Hildebrand, capitol bldg. def. cert	9 25
245.	Capital Electric Lt. Co., capitol bldg. def. cert.	53 06
246.	Idaho Hdwr. & Plumbing Co., capitol bldg. def. cert.	24 80
247.	Boise Transfer & S. Co., capitol bldg. def. cert.	5 25
248.	George Norby, Academy of Idaho	60 00
249.	H. D. Cheney, Academy of Idaho	108 33
250.	E. J. Norton, Academy of Idaho.....	100 00
251.	J. W. Faris, Academy of Idaho	166 66
252.	Mrs. H. B. Kinport, Academy of Idaho..	192 00
253.	Kleeman & Davis, Academy of Idaho....	192 00
254.	Charles E. Weirman, Academy of Idaho..	728 80

255.	America School Fur. Co., Academy of Idaho, ...	133 15
256.	P. Hannihan, Academy of Idaho.....	56 30
257.	Smith-Premier T. Writer Co., Academy of Idaho	81 00
258.	Wyckoff, Seamons & Benedict, Academy of Idaho	78 00
259.	J. U. Stucki, Academy of Idaho.....	14 00
260.	George Norby, Academy of Idaho.....	40 00
261.	I. E. Hill, Academy of Idaho	100 00
262.	V. C. Roeder, Academy of Idaho.....	13 65
263.	American School Fur. Co., Academy of Idaho	523 44
264.	A. D. F. Reynolds, Academy of Idaho....	132 80
265.	Alex Houlahan, Academy of Idaho.....	52 00
266.	John Preece, Academy of Idaho.....	25 60
267.	R. Service & Co., Academy of Idaho.....	180 20
268.	A. B. Bean & Co., Academy of Idaho.....	20 65
269.	H. Dinwoody Fur. Co., Academy of Idaho	17 33
270.	P. Hannifan, Academy of Idaho.....	15 70
271.	Pocatello Advance, Academy of Idaho...	18 50
272.	Idaho Fur. Co., Academy of Idaho.....	68 70
273.	Smith-Premier T. Writer Co., Academy of Idaho	137 75
274.	Wyckoff Seamons & Benedict, Academy of Idaho	163 50
275.	A. H. Brown, Academy of Idaho.....	8 25
276.	W. K. Morrison, Academy of Idaho.....	194 00
277.	George A. Green, Academy of Idaho....	164 15
278.	J. W. Faris, Academy of Idaho.....	34 01
279.	J. M. Bennett, Academy of Idaho.....	144 25
280.	J. W. Faris, Academy of Idaho.....	500 00
281.	H. D. Cheeney, Academy of Idaho.....	108 33
282.	I. E. Hill, Academy of Idaho.....	100 00
283.	E. J. Norton, Academy of Idaho.....	100 00
284.	Tribune Co., Academy of Idaho.....	171 65
285.	J. W. Faris, Academy of Idaho.....	166 66
286.	I. E. Hill, Academy of Idaho.....	100 00
287.	H. D. Cheeney, Academy of Idaho.....	108 33
288.	E. J. Norton, Academy of Idaho.....	100 00
289.	George Norby, Academy of Idaho.....	60 00
290.	V. C. Roeder, Academy of Idaho.....	16 00
291.	Robt. Service & Co., Academy of Idaho..	99 01

292.	A. B. Bean & Co., Academy of Idaho....	8 45
293.	J. W. Faris, Academy of Idaho.....	14 66
294.	C. O. Broxon, Academy of Idaho.....	11 75
295.	I. E. Hill, Academy of Idaho.....	100 00
296.	H. D. Cheney, Academy of Idaho.....	108 33
297.	J. W. Faris, Academy of Idaho.....	166 66
298.	E. J. Norton, Academy of Idaho.....	100 00
299.	George Norby, Academy of Idaho.....	60 00
300.	Alex Houlahan, Academy of Idaho.....	55 00
301.	Thos. E. Bassett, Academy of Idaho.....	10 70
302.	Pocatello Water Co., Academy of Idaho..	1 65
303.	Idaho Fur. Co., Academy of Idaho	22 00
304.	Denver Lithographing Co., Academy of Idaho	17 00
305.	H. D. Cheney, Academy of Idaho.....	54 16
306.	E. J. Norton, Academy of Idaho	50 00
307.	I. E. Hill, Academy of Idaho	50 00
308.	J. W. Faris, Academy of Idaho.....	83 33
309.	George Norby, Academy of Idaho.....	30 00
310.	John W. Faris, Academy of Idaho.....	16 09
311.	P. M. Davis, ins. commissioner def. cert. 1	58 33
312.	W. W. Abrams, ins. commissioner, def. cert. 2, ...	16 00
313.	P. M. Davis, ins. commissioner def. cert. 3,	33 50
314.	J. A. Pinney & Co., ins. commissioner def. cert. 4, ...	38 85
315.	Capital News Ptg. Co., ins. commissioner def. cert. 5, ...	118 00
316.	P. M. Davis, ins. commissioner def. cert. 6,	225 60
317.	P. M. Davis, ins. commissioner def. cert. 7,	13 50
318.	P. M. Davis, ins. commissioner def. cert. 8,	12 60
319.	P. M. Davis, ins. commissioner def. cert. 9,	125 00
320.	P. M. Davis, ins. commissioner def. cert. 10, ...	44 50
321.	P. M. Davis, ins. commissioner def. cert. 11, ...	125 00
322.	P. M. Davis, ins. commissioner def. cert. 12, ...	72 85
323.	P. M. Davis, ins. commissioner def. cert. 13, ...	125 00
324.	P. M. Davis, ins. commissioner def. cert. 14, ...	37 50

325.	P. M. Davis, ins. commissioner def. cert. 15, ...	125 00
326.	P. M. Davis, ins. commissioner def. cert. 16, ...	5 00
327.	Maggie Davis, ins. commissioner def. cert. 17, ...	25 00
328.	Maggie Davis, ins. commissioner def. cert. 18, ...	25 00
329.	P. M. Davis, ins. commissioner def. cert. 19, ...	8 40
330.	P. M. Davis, ins. commissioner def. cert. 20, ...	125 00
331.	Maggie Davis, ins. commissioner def. cert. 21, ...	25 00
332.	P. M. Davis, ins. commissioner def. cert. 22, ...	125 00
333.	P. M. Davis, ins. commissioner def. cert. 23, ...	37 20
334.	P. M. Davis, ins. commissioner def. cert. 24, ...	63 95
335.	Charlotte Davis, ins. commissioner def. cert. 25, ...	25 00
336.	P. M. Davis, ins. commissioner. def. cert. 26, ...	125 00
337.	P. M. Davis, ins. commissioner def. cert. 27, ...	125 00
338.	Charlotte Davis, ins. commissioner def. cert. 28, ...	25 00
339.	P. M. Davis, ins. commissioner def. cert. 29, ...	183 10
340.	P. M. Davis, ins. commissioner def. cert. 30, ...	42 75
341.	P. M. Davis, ins. commissioner def. cert. 31, ...	125 00
342.	Charlotte Davis, ins. commissioner def. cert. 32, ...	25 00
343.	P. M. Davis, ins. commissioner def. cert. 33, ...	20 25
344.	P. M. Davis, ins. commissioner def. cert. 34, ...	10 00
345.	P. M. Davis, ins. commissioner def. cert. 35, ...	125 00

346. P. M. Davis, ins. commissioner def. cert. 36, ... 35 70
347. P. M. Davis, ins. commissioner def. cert. 37, ... 125 00
348. Mrs. Maggie Davis, ins. commissioner def. cert. 38, ... 25 00
349. P. M. Davis, ins. commissioner def. cert. 39, ... 125 00
350. P. M. Davis, ins. commissioner def. cert. 40, ... 22 25
351. Charlotte Davis, ins. commissioner def. cert. 41, ... 25 00
352. Charlotte Davis, ins. commissioner def. cert. 42, ... 25 00
353. P. M. Davis, ins. commissioner def. cert. 43, ... 125 00
354. P. M. Davis, ins. commissioner def. cert. 44, ... 22 50
355. Charlotte Davis, ins. commissioner def. cert. 45, ... 25 00
356. P. M. Davis, ins. commissioner def. cert. 46, ... 125 00
357. P. M. Davis, ins. commissioner def. cert. 47, ... 25 00
358. P. M. Davis, ins. commissioner def. cert. 48, ... 19 25
359. P. M. Davis, ins. commissioner def. cert. 49, ... 125 00
360. P. M. Davis, ins. commissioner def. cert. 50, ... 5 00
361. P. M. Davis, ins. commissioner def. cert. 51, ... 125 00
362. P. M. Davis, ins. commissioner def. cert. 52, ... 125 00
363. P. M. Davis, ins. commissioner def. cert. 53, ... 125 00
364. P. M. Davis, ins. commissioner def. cert. 54, ... 5 75
365. P. M. Davis, ins. commissioner def. cert. 55, ... 125 00
366. P. M. Davis, ins. commissioner def. cert. 56, ... 12 00

367.	E. H. Hasbrouck, ins. commissioner def. cert. 57,	50 00
368.	P. M. Davis, ins. commissioner def. cert. 58,	125 00
369.	E. H. Hasbrouck, ins. commissioner def. cert. 59,	100 00
370.	P. M. Davis, ins. commissioner def. cert. 60,	380 12
371.	Falk Mercantile Co., penitentiary def. cert. 100,	32 42
372.	Intermountain Elec. Co., penitentiary def. cert. 161,	8 10
373.	Idaho Hdw. & P. Co., penitentiary def. cert. 162,	44 77
374.	Idaho Dressed B. Co., penitentiary def. cert. 163,	199 21
375.	I. X. L. Grocery Co., penitentiary def. cert. 164,	342 96
376.	Western U. Tele. Co., penitentiary def. cert. 165,	4 16
377.	W. A. Rose, penitentiary def. cert. 216,	5 00
378.	Ballou-Latimer Co., penitentiary def. cert. 251,	39 15
379.	Falk Mercantile Co., penitentiary def. cert. 252,	33 60
380.	Idaho Hdw. & Plumb. Co., penitentiary def. cert. 253,	17 27
381.	Boise Mercantile Co., penitentiary def. cert. 254,	63 97
382.	I. X. L. Grocery, penitentiary def. cert. 255,	378 26
383.	Kirkpatrick & Crawford, penitentiary def. cert. 256,	26 85
384.	Idaho Dressed B. Co., penitentiary def. cert. 257,	177 47
385.	M. J. Marks, penitentiary def. cert. 258,	6 00
386.	Moses Alexander, penitentiary def. cert. 259,	17 50
387.	S. B. Coulter, penitentiary def. cert. 260,	2 25
388.	Shaw Lumber Co., penitentiary def. cert. 261,	249 44
389.	Joseph Brown, penitentiary def. cert. 262,	76 41

390.	Pioneer Book Store, penitentiary def. cert. 263,	4 25
391.	Capital E. Lt. M. & G. Co., penitentiary def. cert. 264,	1 50
392.	Albert B. Kohny, penitentiary def. cert. 265,	10 50
393.	Smith & Co., penitentiary def. cert. 266,	35 79
394.	Boise Creamery Co., penitentiary def. cert. 267,	48 00
395.	R. G. Spaulding, penitentiary def. cert. 268,	7 50
396.	W. A. Rose, penitentiary def. cert. 269,	5 00
397.	E. L. Ballard, penitentiary def. cert. 270,	100 00
398.	R. H. Fulton, penitentiary def. cert. 271,	83 33
399.	R. H. Tschudy, penitentiary def. cert. 272,	75 00
400.	J. K. Dubois, penitentiary def. cert. 273,	40 00
401.	S. L. Dillard, penitentiary def. cert. 274,	65 00
402.	C. Meacham, penitentiary def. cert. 275,	70 00
403.	Thomas Hunt, penitentiary def. cert. 276,	70 00
404.	J. Brough, penitentiary def. cert. 277,	70 00
405.	G. W. McKinley, penitentiary def. cert. 278,	50 00
406.	J. Finnegan, penitentiary def. cert. 279,	50 00
407.	S. Orr, penitentiary def. cert. 280,	50 00
408.	W. Parsons, penitentiary def. cert. 281,	50 00
409.	J. A. Neibauer, penitentiary def. cert. 282,	50 00
410.	J. M. Tate, penitentiary def. cert. 283,	50 00
411.	J. R. Kosharek, penitentiary def. cert. 284,	50 00
412.	C. C. McCarty, penitentiary def. cert. 285,	50 00
413.	R. K. Leessee, penitentiary def. cert. 286,	50 00
414.	T. Weston, penitentiary def. cert. 287,	50 00
415.	B. F. Hurst, penitentiary def. cert. 288,	7 48
416.	W. T. Ingram, penitentiary def. cert. 289,	7 62
417.	D. W. Ackley, penitentiary def. cert. 290,	50 00
418.	O. Cole, penitentiary def. cert. 292,	2 00
419.	E. L. Ballard, penitentiary def. cert.	206 63
420.	Buffalo Specialty Co., penitentiary def. cert.	8 00
421.	Western Union Tele. Co., penitentiary def. cert.	2 17
422.	Bingham County Democrat, penitentiary def. cert.	182 00

423.	Byron Hunter, Lewiston Normal def. cert. 111,	3 73
424.	Grace M. Shepherd, Lewiston Normal def. cert. 112,	90 00
425.	Otis Randall, Lewiston Normal def. cert. 113,	90 00
426.	D. M. Gentry, Lewiston Normal def. cert. 114,	60 00
427.	Mrs. S. D. Hawes, Lewiston Normal def. cert. 115,	90 00
428.	Byron Hunter, Lewiston Normal def. cert. 186,	90 00
429.	George E. Knepper, Lewiston Normal def. cert. 187,	200 00
430.	H. L. Talkington, Lewiston Normal def. cert. 188,	105 00
431.	D. M. Gentry, Lewiston Normal def. cert. 189,	60 00
432.	Otis Randal, Lewiston Normal def. cert. 190,	90 00
433.	Mrs. S. D. Hawes, Lewiston Normal def. cert. 191,	90 00
434.	J. S. Sorey, Lewiston Normal def. cert.	2 00
435.	Byron Hunter, Lewiston Normal	90 00
436.	Cash Hdwr. Store, Lewiston Normal	258 55
437.	Owl Drug Co., Lewiston Normal	37 68
438.	Otis Randall, Lewiston Normal	90 00
439.	H. L. Talkington, Lewiston Normal	105 00
440.	Lewiston Tribune, Lewiston Normal	30 25
441.	Lewiston Lt. Co., Lewiston Normal	43 75
442.	Geo. E. Knepper, Lewiston Normal	200 00
443.	John P. Vollmer & Co., Lewiston Normal	8 50
444.	H. T. Madgwick, Lewiston Normal	102 17
445.	McGilveny & Boston, Lewiston Normal	98 52
446.	City of Lewiston, Lewiston Normal	4 50
447.	Chas. Hahn, Lewiston Normal	149 90
448.	George H. Fletcher, Lewiston Normal	164 38
449.	George H. Lake, Lewiston Normal	1 25
450.	Mrs. S. B. Hawes, Lewiston Normal	90 00
451.	Grace Shepherd, Lewiston Normal	90 00
452.	Mary Kroh, Lewiston Normal	90 00
453.	Mary Kroh, Lewiston Normal	90 00
454.	D. M. Gentry, Lewiston Normal	60 00

455.	Grace Shepherd, Lewiston Normal,.....	90 00
456.	Capital News, Prtg Co., Supreme Court def. cert. 156, ...	9 00
457.	Pioneer Book Store, Supreme Court def. cert. 185, ...	10 55
458.	Pioneer Book Store, Supreme Court def. cert. 217, ...	16 00
459.	Pioneer Book Store, Supreme Court.....	16 00
460.	Pioneer Book Store.....	16 00
461.	Capital News Prt. Co., Sec. of State def. cert. 140, ...	76 00
462.	H. A. Hart, Sec. of State def. cert. 192,..	10 00
463.	Wm. V. Helfrich, Sec. of State def. cert. 291, ...	62 50
464.	Capital News Ptg. Co., Sec. of State def. cert. 317, ...	4 09
465.	Capital News Ptg. Co., Sec. of State def. cert. 318, ...	152 59
466.	C. J. Bassett, Sec. of State def. cert. 319,.	75 00
467.	C. J. Bassett, Sec. of State def. cert. 320,..	75 00
468.	Pacific Express Co., Sec. of State def. cert.	1 40
469.	Colorado Sch. D. D. & B., Deaf, Dumb, & B., def. cert. 110, ...	919 89
470.	Colorado Sch. D. D. & B., Deaf, Dumb, & B., def. cert.....	527 75
471.	Utah School D. D. & B., Deaf, Dumb, & B.,	1,336 82
472.	The Leader, Louisiana Purchase.....	31 00
473.	Henrietta Mansfield, Louisiana Purchase,	64 25
474.	Boise Transfer & S. Co., Pan-American Exp., ...	15 00
574.	Fred H. Davis, Pan-American Exp.,.....	75 00
476.	Chas. H. Arbuckle, Pan-American Exp.,..	47 50
477.	J. L. Weaver, Adjt. General def. cert. 99,	23 24
478.	J. L. Weaver, Adjt. General def. cert. 100,	90
479.	Western Union Tele. Co., Adjt. General def. cert. 154, ...	5 85
480.	Peasley Transfer Co., Adjt. General def. cert. 218, ...	50
481.	Faust's Art Store, Adjt. General def. cert. 219, ...	9 40
482.	Peasley Transfer Co., Adjt. General.....	75
483.	Co. "D" Idaho N. G., Adjt. General.....	32 30

484.	R. M. B. Telephone Co., Supt. Pub. Instrn. def. cert. 130,	8 42
485.	Western U. Tele. Co., Supt. Pub. Instrn. def. cert. 156,	1 71
486.	Pacific Exp. Co., Supt. Pub. Instrn. def. cert.	5 50
487.	Pioneer Book Store, Governor def. cert. 157,	20 75
488.	A. A. Fraser, Governor def. cert.	150 00
489.	Western U. Tele. Co., Bd. of Canvassers def. cert. 214,	3 47
490.	Wm. V. Helfrich, Bd. of Canvassers def. cert. 215,	65 00
491.	Weiser Signal, Bd. of Canvassers def. cert. 249,	36 70
492.	R. L. Osborn, Bd. of Canvassers def. cert.	11 50
493.	C. H. Crocker & Co., Bd. of Canvassers.	60 00
494.	Geo. Osborn, State Engineer def. cert. 323,	10 59
495.	D. W. Ross, State Engineer def. cert.	875 00
496.	Statesman Ptg. Co., State Engineer	303 00
497.	Western U. Tele. Co., State Engineer	2 78
505.	Lewiston Tribune, Auditor's office	235 57
506.	Pacific Exp. Co., Auditor's office	25
507.	Pacific Exp. Co., Auditor's office	3 40
508.	Western U. Tele. Co., Auditor's office	1 70
509.	E. Buchanan, land deptmt.	51 65
510.	Pacific Exp. Co., land deptmt.	34 50
511.	Thos. B. Martin, land deptmt.	23 55
512.	C. C. Stevenson, land deptmt.	33 35
513.	Pacific Electric Co., university	81 57
514.	Gibson Gas. Fixture Wks., university	274 56
515.	O. B. Edgett, university	75 00
516.	M. B. Zimmer, university	195 17
517.	W. H. Ritchie, university	450 00
518.	J. F. VanAllen, miscellaneous	91 99
519.	Peasley Transfer Co., miscellaneous	8 55
520.	J. S. Barrett, miscellaneous def. cert. 101,	42 00
521.	J. S. Barrett, miscellaneous def. cert. 131,	112 68
522.	Allen & Florida, miscellaneous	47 00
523.	J. J. Plumer, miscellaneous def. cert. 316,	20
524.	Peasley Transfer Co., miscellaneous def. cert. 60,	38 00
525.	A. W. Kroutinger, miscellaneous	277 20

527.	Western U. Tele. Co., miscellaneous.....	16 98
528.	Western U. Tele. Co., miscellaneous.....	1 00
529.	Pacific Exp. Co., miscellaneous.....	11 70
530.	Pacific Exp. Co., miscellaneous.....	3 25
531.	Elmore Bulletin, pub. const. amendment proposed	10 65
532.	Avalanche Pub. Co., pub. const. amendment, proposed	10 65
533.	Canyon Co. Chronicle, pub. const. amendment, proposed	10 65
534.	Silver Messenger, pub. const. amendment, proposed	10 65
535.	The Nampa Leader, pub. const. amendment, proposed	10 65
536.	Idaho State Tribune, pub. const. amendment, proposed	10 65
537.	Lewiston Teller, pub. const. amendment, proposed	10 65
538.	Montpelier Examiner, pub. const. amendment, proposed	10 65
539.	Idaho Recorder, pub. const. amendment, proposed	10 65
540.	Bingham Co. Democrat, pub. const. amendment, proposed	10 65
541.	Panhandle News, pub. const. amendment, proposed	10 65
542.	Fremont Co. News, pub. const. amendment, proposed	10 65
543.	Weiser Signal, pub. const. amendment, proposed	10 65
544.	Lewiston Tribune, pub. const. amendment, proposed	10 65
545.	Press Publishing Co., pub. const. amendment, proposed	10 65
546.	People's Advocate, pub. const. amendment, proposed	10 65
547.	The Times, pub. const. amendment, proposed	10 65
548.	Pocatello Advance, pub. const. amendment, proposed	10 65
549.	Cassia Co. Advance, pub. const. amendment, proposed	10 65

550.	Democratic Times, pub. const. amendment, proposed	10 65
551.	Kendrick Gazette, pub. const. amendment, proposed	10 65
552.	Idaho County Free Press, pub. const. amendment, proposed.....	10 65
553.	The Silver Blade, pub. const. amendment, proposed	10 65
554.	Wood River News Miner, pub. const. amendment, proposed	10 65
555.	Grangeville News, pub. const. amendment, proposed	10 65
556.	Shoshone Independent, pub. const. amendment, proposed	10 65
557.	Capital News Pub. Co., pub. const. amendment, proposed	10 65
558.	Idaho World, pub. const. amendment, proposed	10 65
559.	Fremont Journal, pub. const. amendment, proposed	10 65
560.	Wm. Harkins, university	2,000 00
561.	Hastie & Dougan, university.....	3,034 00
562.	Idaho Hardware Co., Soldiers' Home.....	45 04
		$48,492 35

SEC. 4. For the purpose of creating a fund to pay the interest on said bonds, the State Board of Equalization is hereby empowered and directed to levy, at the time the general levy is made, a sum sufficient, in addition to other levies authorized by law, to pay the interest on said bonds as the same shall become due and after nine years from the issuance of said bonds, unless some other provision is made for the payment of said bonds, the said State Board of Equalization shall levy such sum in addition to the sum required to pay the interest on said bonds as shall be sufficient to create a sinking fund for the payment and discharge of the principal of said bonds within twenty years from the date thereof. If at any time there should be insufficient money in the interest fund hereinbefore provided for, with which to meet and pay the interest on said bonds as the same shall become due, the balance necessary shall be paid out of the general fund in the State Treasury and the Treasurer shall replace such sum from

the funds provided by this act for the payment of such interest.

SEC 5. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved the 16th day of March, 1903.

SENATE BILL NO. 1.

AN ACT

TO APPROPRIATE FIFTEEN THOUSAND DOLLARS AS A PORTION OF THE EXPENSE OF ERECTING A STEEL BRIDGE ACROSS SNAKE RIVER AT A POINT NEAR WEISER IN THE COUNTY OF WASHINGTON.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That there is hereby appropriated out of any moneys in the hands of the Treasurer of the State of Idaho belonging to the State of Idaho and not otherwise appropriated, the sum of fifteen thousand dollars to be used as a part of the expense of constructing a steel bridge across Snake river at a point not to exceed one mile from the foot of Second street in the town of Weiser, in the county of Washington, State of Idaho.

SEC. 2. This appropriation is made upon the following terms and conditions, viz:—That said bridge when completed shall not cost less and shall be of the value of thirty thousand dollars. That the additional amount required for the construction shall be raised and paid into the hands of the Treasurer of the State of Idaho before any part of the money hereby appropriated shall be available.

SEC. 3. That there is hereby created a bridge commission, who shall have the general supervision of said bridge during construction and who are empowered to receive the same when completed, and certify the completion thereof to the Governor. Such commission shall consist of the State Engineer, one commissioner to be chosen by the Governor, and one commissioner to be chosen by the mayor of the city of Weiser. And said bridge shall be constructed on such plans and specifications as may be approved by the commission.

SEC. 4. The abutments, or piers upon which said bridge shall rest, shall be either of stone or concrete as the commission may determine.

SEC. 5. Said bridge shall be let by contract to the

lowest and best bidder, who shall give a good and sufficient bond for the proper coonstruction thereof according to plans and specifications approved as aforesaid, in such sum as the commission may deem proper.

SEC. 6. When said bridge is fully completed and accepted and all moneys necessary for the full payment of the contract price except that portion hereby appropriated shall be paid into the hands of the State Treasurer, then the said State Treasurer shall, on the certificate of the said commission, pay to the contractor, or his order, the full contract price of said bridge.

SEC. 7. Before any moneys shall be paid out under the terms of this act, it must satisfactorily appear to the commission, and it shall so certify to the Governor that there is a right-of-way leading to the approach of said bridge on each side of said river, the title to which is in the public for perpetual road purposes, and such rights-of-way shall be not less than fifty feet in width and connect with public thoroughfares.

SEC. 8. The commissioners provided for in Section 3 of the act shall, with the exception of the State Engineer, receive in full compensation for their services connected with said bridge, the sum of five dollars per day, each and their actual and necessary expenses while attending to the duties of their said offices, which amounts shall be paid out of the moneys by this act appropriated and otherwise raised for the construction of said bridge.

SEC. 9. The costs and charges of making surveys for said bridge and the expenses and per diem of the commissioners shall be included as a part of the costs and value thereof as mentioned in Section 2 of this act. But the costs of procuring rights-of-way thereto shall not be considered a part of the cost and value of the bridge.

Approved the 27th day of February, 1903.

SENATE BILL NO. 4.

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED "AN ACT AUTHORIZING DIVORCES TO BE GRANTED IN CASES OF INSANITY AND REGULATING THE DUTIES OF THE DISTRICT ATTORNEY THEREIN," APPROVED FEBRUARY 14, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of an act of the Legisla-

ture of the State of Idaho, entitled an act authorizing divorces to be granted in cases of insanity, and regulating the duties of the district attorney therein, approved February 14, 1899 be, and the same is hereby amended to read as follows:

That in addition to the causes for divorce mentioned in Section 2457 of the Revised Statutes of the State of Idaho, a divorce may be granted when either husband or wife has become permanently insane: *Provided,* That no divorce shall be granted under the provisions of this act, unless such insane person shall have been duly and regularly confined in the insane asylum of this State, or of a sister State or Territory, for at least six years next preceding the commencement of the action for divorce, nor unless it shall appear to the court that such insanity is permanent and incurable—And *Provided further,* That no action shall be maintained under the provisions of this act, unless the plaintiff shall be an actual resident of this State and shall have resided therein for one year next preceding the commencement of such action.

Approved the 27th day of February, 1903.

SENATE BILL NO. 5.

AN ACT

PROVIDING THAT THE STATE AND COUNTY PRINTING AND BINDING AND STATIONERY WORK OF THE SEVERAL COUNTIES THROUGHOUT THE STATE SHALL BE EXECUTED WITHIN THE STATE.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. All printing, binding and stationery work, executed for, or on behalf of the State, and for which the State contracts, or becomes in any way responsible, shall be executed within the State of Idaho, except as provided in Section 3.

SEC. 2. All county printing, binding and stationery work, executed for, or on behalf of the several counties throughout the State, for which the said counties contract, or become in any way responsible, shall be executed within the county for which said work is done, when there are practicable facilities within the said county for executing the same, but when it shall become necessary, from want of proper facilities, to execute the work without the said county, then the same shall be executed at

some place within the State of Idaho, except as provided in Section 3.

SEC. 3. Whenever it shall be established that any charge for printing, binding or stationery work is in excess of the charge usually made to private individuals for the same kind and quality of work, then the State or county officer or officers having such work in charge, shall have power to have such work done outside of said county or State, but nothing in this act shall be construed to oblige any of said officers to accept any unsatisfactory work.

SEC. 4. No legal notice, advertisement or publication of any kind required or provided by the laws of the State of Idaho, to be published in a newspaper, shall be published or have any force or effect, as such, unless the same be published in a newspaper printed in whole or in part, and published in the county in which notice or advertisement is required to be printed, leaving a general circulation therein, and which said newspaper, if published weekly, has been continuously and uninterruptedly published in said county during a period of fifty-two consecutive weeks prior to the first publication of said notice, or advertisement, and, if published daily, has been so published as a daily paper in said county during a period of six consecutive months prior to the first publication of said notice or advertisement: *Provided,* That nothing in this act shall invalidate the publication of such notice or advertisement in any newspaper which has simply changed its name or changed the place of publication from one part of the county to another part thereof, without breaking the continuity of its regular issues for the required length of time, and *Provided further,* That this act shall not apply to counties in which no newspaper has been published for the required length of time.

SEC. 5. Every affidavit of the publisher of any such legal notice, advertisement or publication shall in addition to the other matters required to be set forth therein by law, state that the newspaper in which such legal notice, advertisement or publication shall have been made, has been established for the length of time required and is a newspaper within the meaning of this act.

SEC. 6. Any State or county officer, either as an official member of a board, or purchasing agent, who vio-

lates any of the above provisions, is guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars for each offense, and shall be liable under his official bond for the amount of such contract entered into.

SEC. 7. An act providing that the State and county printing and binding and stationery work of the several counties throughout the State shall be executed within the State, approved on the 9th day of February 1899 is hereby repealed.

SEC. 8. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval by the Governor.

Approved on the 27th day of February, 1903.

SENATE BILL NO. 8.

AN ACT

CHANGING THE TERMS OF OFFICE OF TRUSTEES OF INDEPENDENT SCHOOL DISTRICTS FROM SIX YEARS TO THREE YEARS.

Be it enacted by the Legislature of the State of Idaho:

That Sections 80 and 81 of Chapter 10 of the general laws of the State of Idaho as enacted at the fifth session, entitled an act to establish and maintain a system of free schools be amended to read as follows:

Section 80. The officers of such district to consist of a board of trustees composed of six qualified electors who are resident free holders within the district. The first board of trustees must be appointed by the board of county commissioners immediately after the district is so established and hold their offices for terms as follows, to wit: Two until the next school election under the provisions hereof. Two for one and two for two years after such election, and until their successors are elected and qualified. And said board so appointing must designate the term of each trustee so appointed.

SEC. 81. There must be an election for two members of the board of trustees to be held on the first Monday of September following the establishment of such district and annually thereafter an election must be held to elect two trustees: *Provided,* That in districts that were established prior to the passage of this act that on the first

Monday of September, 1903, an election shall be held for the election of two trustees to succeed those whose term of office is next to expire and annually thereafter two more shall be retired in the order of their election to conform to the provisions of this act. The clerk of the board must give at least ten days' notice of the time and place of such election, by publication in a newspaper or by three posted notices in the district. And at all elections under this chapter voters must have the same qualifications prescribed by this title for school elections. At such elections any person offering to vote may be challenged and required to take all oaths required for voters at general elections in this State, and on refusing to take such oaths must not be allowed to vote. And the board of trustees may appoint for all such elections two judges and one clerk. Voting must be by ballot and if upon counting the ballots there is a tie and three qualified persons have the highest and an equal number of votes, the board of trustees must select two from the three, and when there is a failure to elect by reason of a tie vote, the board of trustees must select.

If any trustee dies, removes from the district, or ceases to have the qualifications for such office, or for any cause his office is vacant or neglects or refuses to act, or without excuse ceases to attend the meetings of the board for four successive regular meetings thereof, his office thereby becomes vacant and a majority of said board of trustees may appoint another qualified person to fill his unexpired term.

All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 24th day of February, 1903.

SENATE BILL NO. 13.

AN ACT

TO REPEAL SECTION TWENTY OF AN ACT OF THE LEGISLATURE OF THE STATE OF IDAHO, APPROVED MARCH 22ND, 1901, ENTITLED, AN ACT, RELATING TO REVENUE FOR PROVIDING FOR THE PAYMENT OF AN AD VALOREM TAX FOR STATE PURPOSES. PROVIDING WHAT PROPERTY IS TAXABLE FOR STATE, COUNTY, CITY, TOWN, VILLAGE AND INDEPENDENT SCHOOL DISTRICT PURPOSES AND MAKING EXEMPTIONS THEREFROM; PROVIDING THE MANNER OF ASSESSING, EQUALIZING, COLLECTING AND ENFORCING THE SAME. PRESCRIBING THE DUTY AND

POWERS OF OFFICERS IN RELATION TO THE ASSESSMENT. EQUALIZING COLLECTION AND DISBURSEMENT OF REVENUES AND FIXING PENALTIES FOR FAILURE TO EXECUTE THE SAME. REPEALING AN ACT ENTITLED, AN ACT RELATING TO REVENUE ETC., APPROVED FEBRUARY 16TH, 1899, AND ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT WITH THE PROVISIONS HEREOF RELATING TO TAXATION TRANSIENT STOCK.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 20 of an act of the Legislature of the State of Idaho, approved March 22nd. 1901, entitled, an act relating to revenue, providing for the payment of an ad valorem tax for State purposes. Providing what property is taxable for State, county, city, town, village and independent school district purposes and making exemptions therefrom. Providing the manner of assessing, equalizing, collecting and enforcing the same, prescribing the duty and powers of officers in relation to the assessments, equalization, collection and disbursement of revenues, and fixing penalties for failure to execute the same, repealing an act entitled, an act relating to revenue, etc., approved February 16th. 1899, and all other acts and parts of acts inconsistent with the provisions hereof is hereby repealed.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 3. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved the 17th., day of February, 1903.

SENATE BILL NO. 16.

AN ACT

TO AMEND SECTIONS 16 AND 17 OF AN ACT ENTITLED AN ACT TO SUPPRESS CONTAGIOUS AND INFECTIOUS DISEASES OF SHEEP TO CREATE THE OFFICE OF SHEEP INSPECTOR AND DEPUTY STATE SHEEP INSPECTORS. TO PROVIDE FOR THE APPOINTMENT OF THE SAME AND TO FIX THEIR COMPENSATION. MAKING THE DOING OF CERTAIN ACTS A CRIME AND PROVIDING FOR THE PUNISHMENT OF THE SAME AND FOR OTHER PURPOSES. AND REPEALING AN ACT ENTITLED AN ACT TO SURPRESS CONTAGIOUS AND INFECTIOUS DISEASES OF SHEEP. TO CREATE THE OFFICE OF STATE SHEEP INSPECTOR AND OF DEPUTY SHEEP INSPECTORS. TO PROVIDE FOR THE APPOINTMENT OF THE SAME AND FIX THEIR COMPENSATION. MAKING THE DOING OF CERTAIN ACTS A CRIME AND PROVIDING FOR THE PUNISHMENT OF THE SAME, AND FOR OTHER PURPOSES. APPROVED FEBRUARY 25TH, 1899, APPROVED MARCH 7TH 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16 of an act entitled an act to suppress contagious and infectious diseases of sheep. To create the office of sheep inspector and deputy State sheep inspectors. To provide for the appointment of the same and to fix their compensation. Making the doing of certain acts a crime and providing for the punishment of the same, and for other purposes, and repealing an act entitled an act to suppress contagious and infectious diseases of sheep. To create the office of State Sheep Inspector and of deputy sheep inspectors. To provide for the appointment of the same and fix their compensation. Making the doing of certain acts a crime and providing for the punishment of the same and for other purposes. Approved February 25th 1899. Approved March 7th 1901, be amended to read as follows:

Section 16. Any person, persons, company, corporation or association or any agent or employee of any person, persons, company, corporation or association intending to bring or cause to be brought from any other State or Territory any sheep into the State of Idaho in any manner except by shipping the same through the State by railroad train. Whether any proclamation shall have been issued by the Governor or not, shall before crossing the State line notify the deputy sheep inspector of the county or district into which the said sheep are intended to be brought. Which notice shall set forth number of sheep, the brands thereon and name of the owner or owners thereof and the particular locality from which said sheep have come and through which they have been driven. The deputy sheep inspector under such regulations as have or may be provided by law and the State Sheep Inspector shall thereupon make such investigation and inspection as he may deem necessary and shall make written report of such investigation and inspection to the State Sheep Inspector, who shall thereupon make an order in writing signed by him, which order shall either permit said sheep to enter the State of Idaho or shall provide that the same shall be held under the control of such deputy inspector at the State line, for such period of time as the said State Sheep Inspector shall deem necessary, which period shall be specified and set forth in such order. If at the end of the period so specified in such order, it shall appear that

said sheep are free from disease and can safely be brought into the State, the State Sheep Inspector shall make an order, in writing, signed by him, permitting the said sheep to be brought into the State; and thereupon the said sheep shall become in all respects subject to the sheep inspection and quarantine laws of this State. Any sheep in transit through this State upon any railroad train shall not be unloaded from such train for any purpose, except at such points as shall be designated by the State Sheep Inspector and when so unloaded at such points, shall be held in the feed yards at such point and shall not be allowed to leave the same, except to be reloaded upon said train for transit through or out of the State. All expenses of enforcing the provisions of this section shall be paid by the owner or owners of the sheep. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in a county jail not more than sixty days or by a fine of not less than $500 nor more than $5000, which fine shall be a lien upon said sheep and may be enforced by proper proceedings in any court of competent jurisdiction.

SEC. 2. That Section 17 of said act be amended to read as follows:

Section 17. When sheep are brought into this State from another State in violation of any of the provisions of this act, it shall be the duty of the deputy sheep inspector of the district or county wherein said sheep may be, immediately to seize the same and hold them in his possession, and to file a complaint in a court of competent jurisdiction, charging, the owner or person in charge of said sheep with such violation, and, upon conviction of the defendant or defendants so offending, the said deputy shall (unless all fines, costs and charges be immediately paid) sell, in the same manner as sales of personal property on execution out of the district court are made, so many of said sheep as may be necessary to pay the costs and charges of making such sale, including the compensation due him, together with the fine imposed upon such conviction, and a certified copy of the judgment of conviction shall be sufficient warrant for making such sale.

Approved the 17th day of February, 1903.

SENATE BILL NO. 17.

AN ACT

TO AMEND SECTION ONE OF AN ACT ENTITLED, "AN ACT ESTABLISHING QUARANTINE AGAINST DISEASED SHEEP; PRESCRIBING THE DUTIES OF THE GOVERNOR AND STATE SHEEP INSPECTOR IN RELATION THERETO AND PROVIDING PENALTIES FOR THE INFRACTION OF ITS PROVISIONS," APPROVED MARCH 1ST, 1901, PRESCRIBING DUTY OF OWNERS OR PERSONS IN CHARGE OF PROHIBITED SHEEP AND PRESCRIBING PENALTIES, AND REPEALING AN ACT ENTITLED "AN ACT ESTABLISHING QUARANTINE AGAINST DISEASED SHEEP, PRESCRIBING THE DUTIES OF GOVERNOR IN RELATION THERETO, AND PROVIDING PENALTIES FOR THE INFRACTION OF ITS PROVISIONS," APPROVED MARCH 13TH, 1899.

Be it enacted by the Legislature of the State of Idaho.

SECTION 1. That Section 1 of an act entitled, "An act establishing quarantine against diseased sheep, prescribing the duties of the Governor and State Sheep Inspector in relation thereto, and providing penalties for the infraction of its provisions," approved March 1st, 1901, be amended to read as follows:

Section 1. Whenever the Governor of the State has reason to believe that scab or any other infectious disease of sheep has become epidemic in a certain locality or localities, in any other State or Territory, or that conditions exist that render sheep likely to convey disease, or whenever the State Sheep Inspector shall certify, in writing to the Governor that conditions exist in certain localities in any other State or Territory that render sheep coming therefrom, likely to convey disease, the Governor shall forthwith, by proclamation, designate and schedule such locality or localities and prohibit the importation from it or them, of any sheep into this State, except under such restrictions as he may deem proper.

Any person or persons, or corporation who, after publication of such proclamation, has or receives in charge any such sheep from any of the prohibited districts and transports, conveys or drives the same to and within the limits of any of the counties of this State is punishable by fine not exceeding five thousand dollars nor less than two hundred dollars and is liable for all damages that may be sustained by any person by reason of the importation or transportation of such prohibited sheep: *Provided, however,* That nothing herein contained shall prohibit the transportation

of sheep from such district through the State by railroad train under such restrictions and regulations as may be prescribed by law or by the Governor or State Sheep Inspector or either of them.

SEC. 2. That an act entitled "An act establishing a quarantine against diseased sheep, prescribing the duties of Governor in relation thereto, and providing penalties for the infraction of its provisions "approved March 13th 1899, and all other acts and parts of acts in conflict herewith are hereby repealed.

SEC. 3. Whereas an emergency exists, this act shall be in force from and after its passage.

Approved on the 17th day of February, 1903.

SENATE BILL NO. 26.

AN ACT

MAKING IT UNLAWFUL TO INJURE, OBSTRUCT, OR DESTROY ANY LINE ERECTED OR CONSTRUCTED FOR THE TRANSMISSION OF ELECTRICAL CURRENT, OR APPURTENANCES OR APPLIANCES CONNECTED THEREWITH, OR TO REMOVE, INJURE OR DESTROY ANY HOUSE, SHOP, BUILDING OR OTHER STRUCTURE, OR MACHINERY CONNECTED THEREWITH, OR TO SET ANY FIRE THAT SHALL RESULT IN SUCH INJURY OR DESTRUCTION, OR TO PREVENT THE REMOVAL OF ANY OBSTRUCTION TO SUCH LINES, AND PRESCRIBING THE PUNISHMENT THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for anyone within the State of Idaho, to take down, remove, injure, obstruct, displace, or destroy wilfully or maliciously, and without the consent of the owner, any line erected or constructed for the transmission of electrical current, or any poles, wires, conduits, cables, insulators, or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure, or appurtenances thereto or any machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current: *Provided*, Nothing in this section shall be construed to prevent any person after having given 10 (ten) days written notice, from removing or causing to be removed, from his premises, or

premises occupied by him, any of the above described line or lines, wires, conduits, cables, insulators or apparatus connected therewith: *Provided, further,* Any such removals must be made by or under the direction of a skillful and competent electrician.

SEC. 2. It shall be unlawful for any person within the State of Idaho to set fire wilfully or maliciously, that shall result in the destruction or injury of any line erected or constructed for the transmission of electrical current, or any poles, conduits, wires, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or any house, shop, building, or other structure, or appurtenances thereto, or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current or to set fire that shall in any manner interrupt the transmission of electrical current and along any such line.

SEC. 3. Any person or persons violating any provision or provisions of this act, or any part of this act, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not to exceed ten years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved March 4th, 1903.

SENATE BILL NO. 27.

AN ACT

TO AMEND AN ACT OF THE SESSION LAWS APPROVED MARCH 6TH 1899 ENTITLED AN ACT TO AMEND SECTION 2764 OF CHAPTER 8 OF THE REVISED STATUTES OF IDAHO. PROVIDING FOR AUTHORIZING RELIGIOUS, SOCIAL AND BENEVOLENT CORPORATIONS TO MORTGAGE OR SELL PROPERTY HELD BY THEM.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2764 of the above entitled act be amended to read as follows:

Section 2764. Religious, social or benevolent corporations through their directors or trustees, may mortgage or sell real property held by them whenever a majority of the

members of the said corporation present at the meeting called as herein provided may so direct by their votes: *Provided,* That notice of the meeting at which the intended vote on the proposition will be taken be published in three newspapers of general circulation at least once in each of the three weeks immediately preceding the meeting: *Provided,* The newspapers shall be published in the county in which the said real property is located or in the judicial district in which the property is located if there be not three newspapers in the county.

Approved on the 18th. day of February, 1903.

AMENDED SENATE BILL NO. 30.

AN ACT

GRANTING TO ELECTRIC POWER COMPANIES, RIGHT OF WAY FOR ELECTRIC POWER TRANSMISSION LINES AND TELEPHONE LINES USED IN CONNECTION THEREWITH UPON PUBLIC ROADS AND HIGHWAYS, OUTSIDE OF INCORBORATED CITIES AND TOWNS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Any person, company, or corporation, incorporated or that may hereafter be incorporated under the laws of this State or any State or Territory of the United States and doing business in this State for the purpose of supplying, transmitting, delivering, or furnishing electric power or electric energy by wires, cables, or any other method, or means, shall have and is hereby given the right to erect, construct, maintain, and operate all necessary lines upon, along and over any and all public roads, streets and highways, except within the limits of incorporated cities and towns and across the right-of-way of any railroad or railroad corporation, together with poles, piers, arms, cross-arms, wires, supports, structures and fixtures, for the purpose aforesaid, or either of them, in such manner and at such places as not to incommode the public use of the road, highway, street, or railroad, or interrupt the navigation of water, together with the right to erect, construct, maintain and operate upon said electric power line a telephone line to be used only in connection with the said electric energy and power line: *Provided,* That the corporation, company or person exercising the right of way herein and hereby granted, shall first apply to the board

of county commissioners for permission to construct in the manner provided by law, to acquire right of way, and shall give to the county into or through which the right of way herein and hereby granted is exercised a bond with surety to be approved by the board of county commissioners, in the sum of five thousand dollars, conditioned to hold the said county harmless from any and all liability on account of the erection, construction, maintenance, or operation of the said electric line or lines: *Provided, further,* That nothing in this act shall be construed to mean the right to occupy public roads for any railroad or car line of any kind.

SEC. 2. An emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 33.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT. TO AMEND SECTION 69 OF AN ACT ENTITLED AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS. APPROVED MARCH 1ST, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 1 of that certain act. Entitled an act to amend Section 69 of an act. entitled an act to establish and maintain a system of free schools. Approved March 1st. 1901, be and the same is hereby amended to read as follows:

Section 69. The board of school trustees of any school district may whenever a majority so decide submit to the qualified electors of the State of Idaho who are resident free holders or house holders of the district, and their wives, the question whether the board be authorized to issue coupon bonds to a certain amount not to exceed eight per centum of the taxable property in said district and bearing a rate of interest not exceeding six per centum per annum and payable and redeemable at a certain time for the purpose of building or providing one or more school houses in said district with all necessary furniture, desks, blackboards, globes, charts, outline maps etc. And the board of school trustees of any school district which has issued bonds for any of the purposes enumerated in

this section may submit to the electors of such district the question whether the board shall be authorized to issue coupon bonds to refund or take up any of the bonded indebtedness of such district, at a rate of interest not exceeding six per centum per annum.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas, an emergency exists this act shall take effect and be in force from and after its passage and approval.

Approved the 5th. day of February, 1903.

SENATE BILL NO. 34.

AN ACT

TO PROHIBIT THE SHIPMENT OF LOADED FIREARMS BY COMMON CARRIERS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Every person who ships, or causes to be shipped, or delivers or causes to be delivered to railroad, express, or stage company, or any other common carrier, for shipment, as baggage or otherwise, any loaded pistol, revolver, rifle, shotgun or other firearm, is guilty of a misdemeanor.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 35.

AN ACT

GIVING TO MARRIED WOMEN THE MANAGEMENT, CONTROL AND POWER OF DISPOSITION OF THEIR SEPARATE PROPERTY, AMENDING SECTION 2495, CHAPTER 3, TITLE 2, REVISED STATUTES, 1887, OF IDAHO AND REPEALING SECTIONS 2498 AND 2499 THEREOF AND ALL OTHER ACTS IN CONFLICT HEREWITH.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 2495, of Chapter 3, Title 2, of the Revised Statutes of Idaho 1887, be amended to read as follows:

Section 2495. All property of the wife owned by her before marraiage, and that acquired afterwards by gift, bequest or descent, or that which she shall acquire with the proceeds of her separate property, shall remain her sole and separate property, to the same extent and with the same effect as the property of a husband similarly acquired.

SEC. 2. During the continuance of the marriage the wife has the management, control and absolute power of disposition of her separate property, and may bargain, sell and convey her real and personal property, and may enter into any contract with reference to the same in the same manner and to the same extent and with like effect as a married man may in relation to his real and personal property: *Provided,* That, the husband shall be bound by such contracts to no greater extent or effect than his wife under similar circumstances would be bound by his contracts.

SEC. 3. A woman may while married sue and be sued in the same manner as if she were single: *Provided,* That except in actions between husband and wife the husband shall not be chargeable in any manner with the wife's costs or other expenses of suit.

SEC. 4. Nothing in this act contained shall invalidate, alter or change any marriage settlement now made or to be made hereafter.

SEC. 5. Sections 2498, 2499, of the Revised Statutes of Idaho 1887, and all acts and parts of acts in conflict with this act are hereby repealed.

Approved the 9th. day of March, 1903.

SENATE BILL NO. 38.

AN ACT

TO PROHIBIT THE SALE OF SPIRITUOUS, MALT OR VINOUS LIQUORS NEAR PUBLIC WORKS AND GRADING CAMPS OF CANALS AND RAILROADS AND OTHER KINDRED ENTERPRISES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be unlawful for the board of county commissioners of any county in this State to grant a license to any person to sell, barter, or exchange or otherwise dispose of malt, spirituous or vinous liquors in less quantities than five gallons within five miles of any camp or assembly of men engaged in the construction or repair of any railroad, canal, reservoir, public work, or other kindred enterprise where twenty-five or more men are employed.

SEC. 2. Any person who shall sell or offer for sale, barter, exchange or otherwise dispose of any spirituous, malt or vinous liquors in less quantities than five gallons within

five miles of any camp or assembly of twenty-five or more men engaged in the construction or repair of any railroad, canal, reservoir, public work or other kindred enterprise, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not exceeding fifty dollars or imprisonment in the county jail for not exceeding thirty days, or both, in the discretion of the court; and any attempt to evade the provisions of this act, by giving away any such liquor to any person on the pretense, or for the reason that such person has purchased, or designs or is expected to purchase some other article, shall be deemed as a sale within the meaning of this act: *Provided,* That the provisions of this section shall not apply to sales made under a license issued by any incorporated town or city, nor to saloons or other places at which such liquors are sold or disposed of, outside of the corporate limits of cities and towns which may have been established and licensed six months prior to the beginning of said work within said five mile limit.

SEC. 3. Justices of the peace in their respective precincts shall have jurisdiction to hear and determine all cases arising under the provisions of this act.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 5. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 40.

AN ACT

TO CREATE AND DEFINE THE DUTIES OF A STATE BOARD OF HORTICULTURAL INSPECTION AND THE APPOINTMENT OF A STATE HORTICULTURAL INSPECTOR AND DEPUTIES: TO APPROPRIATE MONEY FOR THEIR EXPENSE AND DEFINING THE DUTIES THEREOF: TO PREVENT THE GIFT, SALE, DISTRIBUTION, TRANSPORTATION, IMPORTATION OR PLANTING OF INFECTED TREES, VINES, PLANTS CUTTINGS, SCIONS, GRAFTS, PITS, BUDS OR OTHER ARTICLES AND TO PROVIDE FOR THE DISINFECTION OR DESTRUCTION OF THE SAME: TO PROVIDE FOR THE EXTIRPATION OF INSECT PESTS OR FUNGUS DISEASES FOUND ON TREES, SHRUBS, VINES, PLANTS, FRUIT; TO PROVIDE PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby created the State Board of Horticultural Inspection which board shall consist of five members, as follows: The director of the experiment station and the professor of zoology of the University of Idaho shall be ex officio members of said board, and the other three members shall be appointed by the Governor of the State as soon as may be after the passage of this act and shall hold their office for the term of three years or until their successors are appointed and qualified, and in making said appointments the Governor shall consider the recommendations of the State Horticultural Society as to the proper persons to appoint: *Provided,* That of three members first appointed after the passage of this act, one shall hold his office for one year, one for two years, and one for three years from the date of his appointment.

SEC. 2. Before entering on the duties of his office, each member of said board shall take and subscribe the official oath prescribed for the State officers, which oath shall be filed in the office of the Secretary of State.

SEC. 3. Said board shall meet immediately after the passage and approval of this act when it shall elect a President and a Secretary from its number who shall hold their office during the pleasure of said board. The Secretary shall perform such duties as may be prescribed by the board and shall receive such compensation as the board may establish, not exceeding three hundred and fifty dollars per annum. Said board shall meet annually at such time and at such places as it may determine.

SEC. 4. The board shall appoint a State Horticultural Inspector whose jurisdiction shall extend throughout the State and shall fix his salary at not less than nine hundred dollars per annum. They shall also divide the State into not more than ten districts, and the State Horticultural Inspector shall appoint, subject to the confirmation of the board, a Deputy State Horticultural Inspector for each district so established if necessary. The persons so appointed shall be especially qualified for their position by reason of a practical knowledge of horticulture and the pests incident thereto. Their jurisdiction shall be limited to their respective districts. Said inspectors shall hold their office during the pleasure of said board. Said board shall make an estimate of the amount of money available for each district for each year, and no inspector shall in-

cur any expense in the discharge of his duties in excess of said estimate furnished herein by said board. The aggregate sum of all the estimates furnished to the various inspectors for any one year must in no case, exceed the amount available for carrying out this act for such year.

SEC. 5. Each inspector so appointed shall receive as compensation for the services as such inspector the sum of five dollars per day for each day actually and necessarily employed in the discharge of his duties as prescribed in this act. Such compensation shall be paid out of the general fund of the State upon warrants duly drawn by the State Auditor only after the bills presented for such services shall have been audited and approved by the secretary and a majority of said board and audited as other bills against the State of Idaho.

SEC. 6. It shall be the duty of said inspectors, or the State Inspector, either on their own motion or upon the complaint of interested parties, to enter and make or cause to be made, inspection of any field, rights of way of any irrigation canals or railways, public highways fields, orchards, nurseries, fruit packing houses, store rooms, salesrooms, depots, or other places where fruits are grown or stored, and of fruits, trees, plants, vines, shrubs or other articles within the State supposed to be, or liable to be, infested with pests, or with their eggs, or larvae, or infested with any contagious disease injurious to fruits, plants, trees, shrubs, vines, as hereinafter provided. If upon any inspection there be found any disease or pests, eggs or larvae, of any pests injurious to fruits, plants, trees, shrubs, or vines, the inspector shall notify the owner or owners, or the person or persons in charge, or in possession of said places, fields, orchards, nurseries, trees, plants, shrubs, vines, fruits or other articles, as aforesaid: The inspector shall require such person or persons, to eradicate or destroy said injurious pests or insects or their eggs or larvae, within a reasonable time to be specified. Said notice shall be served in person or in writing on said person or persons, or either of them, owning or having in charge such infested places, rights of way, fields, orchards, nurseries, trees, shrubs, vines, plants, fruits, or other articles as visited by the inspector, or it may be served in the same manner as the summons in a civil action. If the owner, or owners, or the person or persons in charge or

in possession of any highway, rights of way, of canal or railways, fields, orchards, or nurseries or trees or plants or other articles infested with any insect or their eggs or larvae or any disease injurious to any trees, fruits, vines, shrubs, plants, or any other articles infested, after having been notified as above to eradicate and destroy the same, shall fail, neglect, or refuse so to do, then any and all such places, public highways, rights of way, fields, orchards, nurseries, trees, plants, vines, fruit or other articles thus infested are adjudged and declared to be a public nuisance and shall be proceeded against as such, and whenever any such nuisance shall exist at any place in the State or on the property of any non-resident, or on any highway, rights of way, or field as aforesaid, or on any property the owner or owners of which can not be found within the State, or on any property where notice has been served as aforesaid: and where the owner or those in possession shall refuse or neglect to abate such nuisance within the time specified, it shall be the duty of the district inspector within the county wherein the nuisance is to be abated, or State Inspector, or either of them and he is hereby empowered to cause said nuisance to be abated at once by eradicating or destroying all said pests or their eggs or larvae or by disinfecting or destroying all fruits, trees, vines, plants, shrubs, pits, scions or other articles upon which said fungus diseases or pests or their eggs or larvae may be found. The expense of such proceedings shall be paid out of the general fund of the State in the same manner as above set forth for paying said inspectors. All sums so paid shall be collected from the parties owning said real estate on which said nuisance was situated, by civil suit in the name of the board herein created, and it shall be the duty of the county attorney of the county in which said real estate is situated to bring said suit and said sum when collected shall be paid into the State Treasury.

SEC. 7. The inspectors are hereby vested with all the necessary authority to enforce quarantine against any infested fields, lots, rights of way, orchards, nurseries, trees, plants, buds, scions, or any other place or articles within the State when the same may be liable to spread contagious diseases injurious to fruits or trees, or fruit crops

of any kind, and to provide necessary rules and regulations to govern the same.

SEC. 8. No person, firm or corporation shall hereafter engage in or continue in the business of importing and selling within the State any fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock without first making an application therefor to the State Board of Horticultural Inspection which said application in writing shall be accompanied with a good and satisfactory bond in the sum of one thousand dollars to be approved by the State Board of Horticultural Inspection conditioned for the faithful observance of all of the provisions of this act and of the laws of the State of Idaho by said applicant or applicants and their agents and representatives. As soon as said application is received and said bond approved, it shall be the duty of said Board of Horticultural Inspection to issue a certificate to such applicant or applicants, showing compliance upon the part of the said applicant or applicants with the provisions of this section, and thereafter the said applicant or applicants shall be authorized and permitted to carry on said business within the State of Idaho.

SEC. 9. No person, firm or corporation after importing into the State any fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock, shall sell or offer for sale or dispose of the same without first thoroughly fumigating the same with hydro-cyanic gas, unless said fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock be accompanied by a certificate from a competent person duly authorized by law in the State, Territory or district wherein said stock was grown showing that the said stock had been properly fumigated, or disinfected by hydro-cyanic gas before being shipped.

SEC. 10. Any person, persons, firms or corporations, his or their agents, who shall bring or import into the State fruit trees, forest trees, vines, plants, shrubs, scions, pits, or other nursery stock with intent to sell or dispose of the same, without first making application to the State Board of Horticultural Inspection filing the necessary bonds and securing, the certificate provided for in Section 8 of this act, or who, having imported said fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock into the State with intent to sell or dispose of the

same, or any part thereof, without first notifying the State Horticultural Inspector or the deputy district inspector thereof, or having said fruit trees, forest trees, vines, plants, shrubs, scions, pits or other nursery stock fumigated, as provided in Section 9 of this act, or where found infested shall fail or refuse to destroy or disinfect the same, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided by Section 14 of this act.

SEC. 11. All peach, nectarine, apricot, plum prune, almond or other trees budded or grafted on peach stock or roots; all peach or other pits, cuttings, buds or scions, raised or grown in a district where "peach yellows" or "peach rosette" is known to exist, are hereby prohibited from being offered for sale, gift, distribution, transportation or planting within the State of Idaho. Any person or persons, dealers, supplies, transportation companies, or their agents, who shall be in the possession of any such property for any purpose, shall, when required by the inspector burn the same without delay.

SEC. 12. Fruit of any kind, trees, plants, shrubs, cuttings, grafts, buds, seeds, scions, pits or other articles of any kind grown in any foreign country or in any of the United States, or Territories, infested by any insect or insects, or their eggs or larvae, or by any fungus diseases or their germs known to be injurious to fruit or fruit trees, or other trees, plants, vines, shrubs, or other articles liable to spread contagion, are hereby prohibited from being offered for sale, gift, distribution, transportation or planting in any county in this State, unless the same shall have been examined by the State Inspector or his deputy for such district and if found diseased, or infested, shall have been thoroughly disinfected in such manner as may be required by the inspector, the owner to pay the expense of such disinfection.

SEC. 13. Any person or persons shipping fruit trees or trees of any kind, shrubs, vines, scions, cuttings or plants within the State shall affix to each package, bundle, or parcel containing the same a distinct mark, stamp or label, showing the name of the shipper or grower, the locality where grown, and the variety of said trees, shrubs, vines, grafts, scions, cuttings, plants or buds; also any person or persons or corporation, his or their agents selling or offer-

ing for sale, fruit of any kind, shall affix to each package a distinct mark or label showing the kind and quality of the same, the name of the grower or shipper, and the locality where grown.

SEC. 14. Any person, persons, dealers or shippers having in their possession any fruits, trees, vines, shrubs, plants, cuttings, grafts, buds, seeds, pits, scions or other articles infested with any injurious insects or their germs, or with any fungus or other diseases injurious to fruit or fruit trees, shrubs, or to other trees or plants, or who shall sell or offer for sale, gift, distribution, transportation or planting, or who shall refuse to destroy or disinfect (as provided in this act or as ordered by the State Inspector or by the deputy inspector in his district) the said fruit or trees, shrubs, vines, plants, cuttings, grafts, pits, scions or other articles, or who shall refuse or neglect to attach a distinct mark or label as hereinbefore provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five or more than three hundred dollars. All sums so collected shall be paid into the State Treasury.

SEC. 15. Each inspector shall make a detail report of all his official acts, to the secretary of said board on the first day of every month, which report shall be made under oath and shall include a statement of the number of days actually and necessarily employed and miles traveled as such inspector during said month, and a detailed statement of the amount due him or to other persons, for services or expenses incurred in carrying out the provisions of this act. The secretary of said board shall audit all such bills and shall submit them by mail to each member of said board for approval and signature. If approved by a majority of said board, said bills shall be transmitted to the State Auditor, and they shall be audited and paid as other claims against the State.

SEC. 16. The members of the State Board of Horticultural Inspection shall serve without compensation, but shall receive actual expenses incurred in attending meetings of the board.

SEC. 17. All county officers shall be liable on their official bond for the proper performance of any duties imposed by this act.

SEC. 18. Neglect or refusal to comply with the orders

of the State Inspector or his deputies, made in pursuance of the provisions of this act, shall constitute a misdemeanor, and shall be punished as provided for misdemeanors in Section 14 of this act.

SEC. 19. Whereas, there is great danger to the horticultural interests of the State of Idaho from pests and other causes for which no adequate remedy has been provided an emergency existing, therefore this act shall take effect from and after its passage and approval by the Governor.

SEC. 20. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 27th. day of February, 1903.

SENATE BILL NO. 44.

AN ACT

ENTITLED AN ACT TO AMEND SECTIONS 31, 32, 34, 39 AND 48 OF "AN ACT PROVIDING FOR THE HOLDING OF GENERAL AND SPECIAL ELECTIONS; FOR THE ISSUANCE OF ELECTION PROCLAMATIONS; PROVIDING WHAT OFFICERS SHALL BE ELECTED AT SUCH ELECTIONS; THE MANNER OF MAKING NOMINATIONS, FILING THE SAME AND FILLING VACANCIES THEREIN; FOR THE ESTABLISHMENT OF ELECTION PRECINCTS; FOR THE APPOINTMENT OF REGISTRARS, AND THE MANNER OF PERFORMING THE DUTIES OF REGISTRAR; PROVIDING THE QUALIFICATIONS OF ELECTORS; THE MANNER OF CONDUCTING ELECTIONS; THE CANVASSING OF THE VOTES AND DECLARATION OF THE RESULTS AND ISSUANCE OF CERTIFICATES; PROVIDING FOR ELECTIONS FOR REMOVALS OF COUNTY SEATS; AND THE ALTERATION OF COUNTY BOUNDARIES; FOR THE CONTESTING OF ELECTIONS; AND MANNER OF CONDUCTING SUCH CONTESTS; FOR THE PUBLICATION AND DISTRIBUTION OF ELECTION LAWS; AND FOR THE PRINTING OF BALLOTS AND SUPPLYING OF ELECTION SUPPLIES AT PUBLIC EXPENSE," APPROVED FEBRUARY 2, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections 31, 32, 34, 39 and 48 of an act entitled "An act providing for the holding of general and special elections; for the issuance of election proclamations; providing what officers shall be elected at such elections; the manner of making nominations, filing the same and filling vacancies therein; for the establishment of election precincts; for the appointment of registrars; and the manner of performing the duties of registrar; providing the qualifications of electors; the manner of conducting elections; the canvassing of the votes and declaration of

the results and issuance of certificates; providing for the elections for the removal of county seats and the alteration of county boundaries; for the contesting of elections; and manner of conducting such contest; for the publication and distribution of election laws; and for the printing of ballots and supplying of election supplies at public expense," approved February 2, 1899, be, and the same are hereby amended so as to real as follows:

SEC. 31. The board of county commissioners of each county of the State must, at its regular meeting in July, next preceding each general election, appoint a registrar for each election precinct in the county, who must be a qualified elector, resident of such precinct, and otherwise a proper person and qualified to perform the duties of such office, and such registrar may hold his office until his successor is appointed and qualified. When any registrar fails to act, or the office becomes vacant, the said board, if in session, must appoint another registrar; or if said board is not in session, the chairman of the board must appoint; and should a registrar not be appointed, or from any cause, none should act, the electors may, on the second Saturday of September at one o'clock p. m. next preceding any general election, to which this chapter is applicable, meet at the place in the precinct appointed by said board for the holding of such election, or should the board fail to appoint a place, then at the place where the last general election was held, and elect a registrar.

SEC. 32. The said board must, prior to the first day of August next preceding, cause notice to be given for not less than fifteen days, by publication in some newspaper published in the county, if there be one, otherwise by at least three notices posted up in different parts of the county, one of which must be at the court house door, giving the names and general description of election precincts, (the boundaries of which must be changed as little, and as seldom, as consistent with the public need) the name of the registrar for each precinct, and the time during which registration may be made, which shall be for every general election, to which this act is applicable, during every Saturday from the first day of September to and including the last Saturday next preceding the election; at the time of or before, giving such notice, the board must furnish to each regis-

trar two books, one to be known as the "Election Registrar," for the registry of qualified electors, and the other for the registry of rejected applicants. Each of said books must be ruled and headed substantially as follows:

Number.	Name of Elector.	Dates of Registration or Dates of Rejection.	Age.	Where Born.	Description of Residence.	Certificate of Naturalization. Exhibit—Yes or No.	Remarks.

At the same time the said board must also furnish to the registrars the blank notices, certificates, oaths, and all other blanks, books and papers, needed to perform the duties of his office, also the "Election Register" of the qualified electors of the precinct made at the last general election, or when from any cause the "register" can not be sent, a certified copy thereof. The registrar must immediately upon the receipt of such "Election Register" or the copy thereof, revise the same by striking therefrom the names of all persons, who by death, removal, from change in the boundaries of the precinct, or from other cause, have ceased to be qualified voters in such precinct, or who may before have been, from any cause, wrongfully registered; and upon so striking out the name of any voter who is still residing within the precinct, or within the limits of the precinct as it existed at the last general election, he must immediately give him written notice that his name has been so stricken from the register, and any person whose name has been so stricken out may again apply, in the precinct where he resides, for registration, but no elector who has been duly registered and whose name has not been so stricken out, shall be required to again register, but shall continue a qualified voter in the precinct where registered until otherwise notified, and this provision applies to all electors registered at and for the last general election.

SEC. 34. He must, prior to the time of commencement

of registration, transfer from the old "Election Register," or copy thereof, furnished him by the board as provided by Section 32, to the new "Election Register" the names of all qualified electors still residing within his precinct, and thereupon immediately return to the board such old election register, or copy, with a list of the names stricken therefrom, which must thereafter, at all times during office hours, be open to inspection by the public, also, before such commencement of registration he must post notices, at least in three public places in different parts of his precinct, as will be most likely to give notice to the inhabitants thereof, giving the time, days and hours during, and the place at which he will be ready to receive and hear applications for registration, and he must thereafter on the days named by him, be at the place of registration designated, from the hours of 9 o'clock a. m. to 5 o'clock p. m. and from 7 o'clock p. m. to 9 o'clock p. m. and receive and register the names of all persons applying who are, or will be, on the day of election for which registration is made, entitled to vote thereat. He must, also, on any other day of the week, during said time of registration, register any such elector who may find and apply to him at his place of registration, and he may at any time or place during said time of registration, register any such elector of his precinct.

SEC. 39. The several registrars shall receive such compensation as shall be allowed by the board of county commissioners, which in no case shall exceed twenty-five (25) cents for each name newly registered, and ten (10) cents for each name appearing on the last "Election Register" which is carried to the new "Election Register," and the compensation herein provided for shall be paid out of the current expense fund.

SEC. 48. All election ballots prepared under the provisions of this act shall be white in color, and of good quality of printing paper, and the name shall be printed thereon in black ink.

Every ballot shall contain the names of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, but no name shall appear thereon more than once.

The ballot shall be of sufficient size to contain the names of all the candidates and questions to be voted on, exclusive

of the stub or counterfoil. The width of the stub or counterfoil shall be two inches, and of the same length as the ballot. Each stub shall be consecutively numbered, beginning with number one: the ballot and stub being connected by a perforated line.

When a constitutional amendment is to be submitted to a vote of the people, a sufficient space must be left across the top of the ballot in which to state the constitutional question to be so submitted, and when other questions than constitutional are to be submitted to the vote of the people, a like space must be left across the bottom of the ballot, in which such questions must be stated. Between these two horizontal spaces, the width of the ballot must be divided into equal perpendicular spaces, one for each political party represented by the different opposing candidates, in which the tickets of the different parties must be printed, and one similar in which only the names of the different offices to be filled at the election shall be printed, and below which the voter may write the names of the persons he wishes to vote for. These perpendicular spaces, or party tickets, must each be surrounded by very heavy leaded lines, and between each space, or party ticket, there must be a blank space of at least one inch. At the top of each of said spaces, or party ticket, must be left a space wherein must be printed any emblem which the several political parties may, through their several State conventions respectively select, and at the same time that the officers of such conventions certify to the Secretary of State, the names of the persons nominated by such conventions, they shall also certify to him, such emblem, which the Secretary of State must certify to the several county auditors, when he certifies to them the names of the candidates for the State officers: *Provided, however,* That no political party may use the national flag as its emblem, nor the emblem already adopted by any other political party. Immediately below the emblem, or the space therefor, the caption or name of the political party must be printed on one straight line and in the size of type not smaller than long primer. Immediately below the middle of such caption or name, must be printed a circle at least three-fourths (3-4) of an inch in diameter, within which the voter may place a cross (X) and thereby be votes, and his vote must be counted for all the candidates named in

that perpendicular space or party ticket, except such as he shall erase by drawing lines through the names of those candidates he does not wish to vote for. Immediately below the circle above named, must be drawn a horizontal line, below which must be printed the names of the offices, to be printed in small capitals, and the names of the candidates therefor, in not smaller than long primer capitals. When a President and vice-President of the United States are to be elected, the name of the office and the names of the candidates for electors must be printed in like type as directed for other offices and candidates, immediately below the last named horizontal line. The name of each office and the candidates therefor must be included in one space, but separated from other offices and candidates, by horizontal lines. To the right of the names of the offices and candidates, must be a light ruled perpendicular line, within which, and opposite the name of each candidate, must be printed a circle one-half (1-2) inch in diameter, within which, if the voter places a (X) his vote must be counted for the candidate whose name is thus marked: *Provided,* That if he has placed a cross in the large circle at the head of the ticket, his cross opposite the name of the candidate in any other ticket must not be counted unless he has erased the name of any opposing candidate in the ticket in which he placed his cross (X) in the large circle. The voter may instead of putting a cross in the large circle, vote only for such candidates as he desires, by placing a cross on the right of their names in the small circle, or by writing in the blank ticket the names of the persons he desires to vote for and placing across on the right of their names in the circle. Circles one-half (1-2) inch in diameter must be placed at the proper places in the spaces for constitutional and other questions, after the words of Yes and No, where the voter may place his cross as he desires to vote, also a like circle must be placed in the blank perpendicular space on the ballot, for the name of each candidate who may be therein voted for. All the names of the several like offices and the several opposing candidates therefor, must be placed on the same horizontal straight line. On the ballot in aid of the voter, may be placed such words or explanations as "vote for one," "vote for three," "Yes," "No," and the like. The same margin must be left above and below the printed matter.

The face of the ballot and the stub thereof must be in substantially the following form:

SEC. 2. All acts or parts or acts in conflict with this act are hereby repealed.

Approved the 2nd. day of March, 1903.

SENATE BILL NO. 45.

AN ACT

RELATING TO PRIMARY ELECTIONS BY COMMITTEE ON PRIVILEGES AND ELECTIONS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. A primary election within the meaning of this act, is an election held in any county, city, town or precinct in the State of Idaho by any political party, for the purpose of electing delegates to political conventions, and the provisions hereof shall apply only to general State and county and general city or town elections.

SEC. 2. When any political party desires to hold a primary election in any county, city or town, it is the duty of the duly authorized committee of such political party for such county, city or town to publish a notice in a newspaper of general circulation and of the same political affiliation, if there be one in the county once a week for at least two consecutive weeks, the first publication of which must be at least twenty and not over thirty days prior to the day appointed for such primary election, also to post at least two notices fifteen days prior to the primary election in public places, in each voting precinct in the county, city or town. Such notices must give the date when and the hours during which and the place where the primary election will be held, the number of delegates each election precinct is entitled to in convention and the offices for which candidates are to be nominated in such convention.

SEC. 3. Such primary election must be held in each voting precinct in the county, city or town on the same Monday afternoon commencing in the county precincts at 3 p. m. and continue until 6 p. m. and in city or town precincts it must commence at 2 p. m. and continue until 7 p. m.

SEC. 4. When the hour for holding such primary election arrives it shall be called to order by the chairman or secretary of the precinct committee or in their absence, by some qualified voter of the party holding such primary

STUB

(Name of County. Date of Election.)

PERFORATED LINE.

r. You can "scratch" your ticket by placing a
Justration on House of Representatives ticket.

Yes No

¾ inch

ONE INCH SPACE.

FOR CONGRESS

FOR GOVERNOR

F

FOR HOUSE OF REPRESENTATIVES

Yes No

election and the qualified voters present who are members of the political party holding such primary shall choose from their number a chairman, two clerks and two judges of election who shall not be selected in the interest of any particular candidate or candidates before the convention for which the delegates are to be elected. Such officers of the primary may be elected by a viva voce vote, but the delegates to the convention must be elected by ballot, and each qualified voter at such primary shall have on his ballot, which may be written or printed or partly written or partly printed as many names for delegates as such precinct is entitled to in convention: *Provided,* That if any ballot contains more names of delegates than such precinct is entitled to, such ballot shall be void and must not be counted, also when it shall appear that the same person casts more than one ballot as when two or more ballots are folded together, or from other clear evidence, all such ballots are void and must not be counted.

If primary elections for more than one political party are held on the same day they must not be held in the same room, or in the same immediate locality.

SEC. 5. For the information and assistance of the officers of the primary election in city or town precincts, where the voters are so numerous as not to be well known to such officers, the county committee of the political party holding such primary may borrow from the proper county custodian a "check list" of the voters of each of such precincts, used at the last general election, also a ballot box and when such county committee shall deem best, the provisions of this section may be applied to any precinct in the county. In any precinct where the county official ballot boxes are not available, any convenient box or receptacle may be used. Any such "check list" or ballot boxes so borrowed, must be promptly returned to the proper county custodian, upon the close of the primary election.

SEC. 6. Only regularly qualified voters who are entitled to vote at such primary elections are permitted to vote thereat or take any part therein, and it is unlawful for any person who was not affiliated at the last general election, or for any person who has not resided for at least thirty days in the election precinct where the primary election is held to vote or to take any part in such primary

election: *Provided,* That one who since the last election has become of age, may vote if otherwise qualified.

SEC. 7. It is the duty of the chairman to administer the oath of office to the clerks and judges elected, to the effect that each will faithfully perform the duties imposed upon him by law, and one of the clerks shall thereupon administer a like oath to the chairman. When any person offering to vote is challenged, which may be done by any one qualified to vote at such primary who shall state the ground of his challenge or when any of the officers of the election shall suspect that any person is not qualified to vote the chairman shall administer to such person so challenged, an oath to the effect that he has resided in this election precinct for the past thirty days, that by the next general election he will have resided in the State for at least six months, that at the last general election he was affiliated with the (name the party) party. That he has not during this year voted at any other primary election. That he is in all respects qualified to vote at this primary and particularly specify in the oath the ground of challenge or objection made to such voter. The officers of election may in addition to administering such oath, briefly, orally, examine under oath, any person as to his qualifications as a voter, and anyone refusing to take such oath or to testify or who by a majority of the election officers is found disqualified, shall not be allowed to vote. It is the duty of the clerks of the election to keep written minutes of the proceedings of such primary election. It is the duty of the judges to receive and deposit in the ballot box the ballots of the voters qualified under the provisions of this act and of the clerks to enter in two alphabetical lists the names consecutively numbered, of the voters and when for any cause any of the officers of the election deems it best, the place of residence of any voter shall be placed opposite his name upon said lists. No person shall during any calendar year vote at the primary election of more than one political party.

SEC. 8. At the close of the election it is the duty of the judges to count the ballots and report the same to the chairman, who shall then publicly announce the result and those persons receiving the highest number of votes, to the number of delegates allowed, shall be declared elected and tie votes or results must be settled by lot. When

it is determined who are elected delegates they shall be furnished with proper credentials, certifying to their election which shall be signed by the chairman and countersigned by the clerks. The officers of election must then in the presence of any qualified voters present carefully wrap into a package, which must be sealed, the ballots, the lists of voters and the written minutes, which must include a statement showing the number of votes cast for each candidate for election as delegate and deliver same to the chairman who shall cause such package to be duly delivered to the convention to which the delegates are accredited.

SEC. 9. In case any delegate elected to a convention fails to appear and serve, he shall not give his proxy to anyone but the vote of such delegate must be cast by the balance of the delegation from the precinct and if no delegate appears from the precinct, such precinct must be without any representation.

SEC. 10. When at any primary election such irregularities or frauds on the part of the voters or of the officers of election or of any other persons shall occur, resulting in the election of delegates, which the convention to which they are elected, is clearly satisfied would not have been elected had the primary been fairly and honestly conducted, the convention must deny any delegate, so fraudulently elected, a seat in the convention.

SEC. 11. The application of this act to any political party which at the last general election cast less than ten per cent of the whole number of votes cast, is optional with such party. This act does not prevent any political party from providing and directing, that the delegates elected under the provisions of this act to the county convention may select delegates to the State conventions.

Any expense incurred in the enforcement of this act shall be borne by the political party holding the primary election.

SEC. 12. Any person voting at any primary election when under the provisions of this act, he is disqualified to so vote or who falsely takes any oath or falsely testifies, or who violates any oath taken or any officer of election who fraudulently does anything as such officer or who fraudulently fails to perform any duty devolved upon him by this act or any person who violates any of the provisions of this act is guilty of a misdemeanor and on conviction

thereof shall be punished by a fine of not less than $25.00 not to exceed $500.00 or by imprisonment for not less than 30 days nor to exceed six months or by both such fine and imprisonment.

SEC. 13. This act shall not operate to repeal Section 19 of the act concerning "Elections" Fifth Session Laws, page 36, approved February 2, 1899, (Sec. 792 Code 1901) but the names of candidates nominated under the provisions of such section shall not be placed upon the ticket of any political party which otherwise nominates its candidates, but any other acts or parts thereof, in conflict with this act, are hereby repealed.

Approved the 27th. day of February, 1903.

SENATE BILL NO. 46.

AN ACT

AMENDING SECTIONS 1150, 1151, 1152, 1153, 1154, OF CHAPTER I OF THE POLITICAL CODE AS SET FORTH IN THE REVISED STATUTES OF THE STATE OF IDAHO, ENTITLED "PRESERVATION OF PUBLIC HEALTH," AND ADDING THERETO SECTIONS1155 AND 1156.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections 1150, 1151, 1152, 1153, 1154, of the above entitled act be amended to read as follows:

Section 1150. The board of county commissioners of each county must, biennially, at their regular meeting in January, appoint one intelligent person residing in the county, who must be an experienced and skillful physician, and the person so appointed, who shall be known as the county physician, together with such board of county commissioners shall constitute a county board of health for the term of two (2) years, or until their successors be appointed and qualified. Any vacancy in such board of health caused by death or resignation of such county physician (who is the executive officer of such board) or by his refusal to act as a member thereof, must be filled by appointment by the commissioners. If any county has a physician employed to care for the indigent sick of such county, such physician must be one appointed by the board of commissioners, as a member of the board of health, and every practicing physician in said county is hereby declared to be an advisory member of such board of health.

Section 1151. Said county board of health must make and establish for their county, or any district or place therein, such sanitary rules and regulations as they may deem necessary and proper to prevent the outbreak and spread of dangerous, contagious and infectious diseases.

Section 1152. It is the duty of every practicing physician to report promptly to the county physician of the county in which he resides, all or any dangerous disease of an infectious or contagious nature under treatment by him, and he is also hereby empowered and required to at once establish a strict quarantine against such person or premises by such means as shall seem to him to be sufficient, subject to revision by the county board of health, and said board must at once take the necessary precaution to prevent the spread of such dangerous or infectious disease, and any person violating the provisions of this act, or the regulations of said attending physician, or of the county board of health, is guilty of a misdemeanor.

Section 1153. The board of health of any county may declare quarantine therein or in any particular district or place therein, against the introduction of dangerous, contagious or infectious disease prevailing in any State, county or place, and of any and all persons and things liable to spread such dangerous, contagious and infectious disease. The said county board has authority and power to enforce such quarantine until the same is raised by themselves, and may confine such afflicted person or persons liable to spread such dangerous, contagion or infection to the house or premises in which he or she resides or if deemed advisable, to a place to be provided by them for that purpose.

Section 1154. All necessary expense incurred by the said county board of health in enforcing the provisions of this act must be paid for out of the general treasury from the current expense fund of the county, as other bills chargeable against said current expense fund are audited and paid.

Section 1155. This act shall not be construed as repealing any other act not cited herein.

Section 1156. This act shall take effect and be in force from and after its passage and approval, an emergency existing therefor.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 54.

AN ACT

AMENDING SECTION 3609 OF AN ACT ENTITLED "AN ACT PROVIDING FOR THE ISSUANCE OF NEGOTIABLE COUPON BONDS FOR THE FUNDING AND REFUNDING OF COUNTY INDEBTEDNESS; AMENDING CHAPTER SIX, TITLE THIRTEEN, REVISED STATUTES OF IDAHO" APPROVED FEBRUARY 7, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3609 of the above mentioned act be amended to read as follows:

Section 3609. It shall be the duty of the county treasurer to apply the funds derived from the sale of bonds to the payment of the indebtedness herein mentioned and to no other purpose: *Provided,* That after the expiration of one year from the date of the issuance of said bonds all money derived from the sale of said bonds remaining in the treasury may be transferred to the current expense fund of said county by order of the board of county commissioners and thereafter any and all warrants or other representative of the indebtedness for the redemption of which said bonds were issued, shall be paid out of said current expense fund when presented for payment. It shall be the duty of the county officials to levy, collect and apply the taxes herein provided for, to the payment of interest and to the redemption of the principal of the bonds in the manner specified and for no other purpose and any failure to comply with the conditions of this act by the proper officers, or any neglect or refusal to levy and collect any such taxes as aforesaid shall be deemed a misdemeanor and any county official guilty of the same, must upon conviction be fined in the amount equal to the sum that should have been levied or for any misappropriation he shall be fined in the amount equal to the sum misappropriated and imprisoned in the county jail for the term of not less than three (3) months nor more than six (6) months.

SEC. 2. Whereas an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved the 6th. day of March, 1903.

SENATE BILL NO. 60.

AN ACT

TO AMEND SECTION 945 OF THE REVISED STATUTES OF THE STATE OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 945 of the Revised Statutes of the State of Idaho is hereby amended to read as follows:

Section 945. Whenever it shall appear to be to the best interests of the counties concerned to build or repair bridges over streams which divide such counties, or on roads on county lines, it shall be lawful for the commissioners of such adjoining counties to enter into a joint contract for the purpose of building or repairing such bridge or bridges. The one-half of the whole expense of building or repairing shall be a legal claim against, and be paid by each of said adjoining counties. All public bridges not otherwise specially provided for are maintained by the county at large in the same manner as highways, and under the management and control of the road overseer and board of commissioners. The expense of maintaining and repairing the same being primarily payable out of the road fund in the hands of the county treasurer and from road poll taxes.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 61.

AN ACT

TO PROVIDE FOR THE PUBLICATION OF THE DECISIONS OF THE SUPREME COURT.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the Clerk of the Supreme Court shall be ex officio reporter of the decisions of the Supreme Court, and shall receive the sum of $100.00 per volume for his services in the preparation of the decisions of said court.

SEC. 2. The reporter of the decisions of the Supreme Court, must prepare a report of all decisions of such court not reported in Volume I new series.

SEC. 3. The decisions shall be prepared for publica-

tion by giving the title to each case, a syllabus of the points decided, the names of the counsel appearing in the Supreme Court in the case, synopsis of the brief with reference to such standard reports and text books as have a special bearing upon the points decided, and each volume shall contain at the end thereof a full and comprehensive index alphabetically arranged, and there shall be prefixed thereto, a table of cases decided, a table of cases cited, and a table of statutes and constitutional provisions construed.

SEC. 4. The first volume to be published under the provisions of this act, shall be called "Idaho Reports. Vol. 2" and shall commence with the decisions immediately following those reported in I. Idaho Reports, new series published 1882, and all decisions reported in said Volume 2, and subsequent volumes, shall be reported in the order in which the decisions were handed down. Chronologically said volume and all subsequent volumes shall be uniform in size and amount of matter contained with said I Idaho Report, new series, and the style of type the same and composition shall be similar, and the paper and binding and all material and work, including sewing, shall be equally as good and similar to that used in said I Idaho Report, new series. Each volume of said reports when printed, shall contain not less than eight hundred pages, exclusive of the index thereto.

SEC. 5. The reporter shall have no pecuniary interest in the reports, but, he shall, in his name, but for and on behalf of and for the sole benefit of the State of Idaho, copyright each and every volume of said reports before final issue from press. The decisions of the said Supreme Court which are not contained in said Idaho Report, new series, shall be prepared for publication, by the reporter, as rapidly as possible, and as soon as a sufficient number of decisions are prepared to fill a volume such volume shall be printed, and four hundred copies thereof delivered to the State Librarian, who shall distribute them as follows: To the Librarian of Congress 2 copies, to the Idaho State Library 5 copies: to the University of Idaho, to the Albion Normal School, and to the Lewiston Normal School each 1 copy, to the library at the State Penitentiary 1 copy: to each county prosecuting attorney 1 copy, to each probate judge 1 copy: to each district judge 1 copy: to each Justice of the Supreme Copy 1 copy, to the Clerk of the Supreme

Court 2 copies to be kept in the court room during the sessions of court for the use of the bar: to each State and Territory in the United States 2 copies for the use of the State Library thereof, to each foreign State or country, sending to this State copies of its printed court reports 2 copies: to the Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Public Instruction, State Engineer and State Mine Inspector each 1 copy: *Provided,* That each public officer receiving a copy of any volume or volumes of said reports, under the provisions of this section, shall take good care of the same, and shall, upon retiring from office turn the same over to his successor in office: *Provided further,* That copies of any volume of such reports may be again issued to any of said officers, institutions, States or Territories upon good and sufficient proof of loss of the copies sought to be replaced, presented to the Justices of the Supreme Court, who may by writing signed by a majority of the Justices, direct the Librarian to furnish another copy of the volume so lost, in place thereof, but no direction to furnish another copy, shall be made in any case, without good and sufficient evidence showing that the officer, institution, State or Territory sustaining such loss, sustained the same without fault or negligence.

SEC. 6. The contract to print the reports of such decisions, shall be let by the reporter with the approval of the Justices of the Supreme Court, or a majority thereof, to some person or persons who will print the same on terms most advantageous to the State, and who will furnish the State with four hundred copies of each volume at a cost not to exceed three and 50-100 dollars per copy, per volume, and who will agree to furnish copies of the reports to the public at a price not exceeding three and 50-100 dollars per copy, per volume: *Provided,* The work shall be done in the State of Idaho, if responsible parties therein offer to do said work on terms as favorable to the State as any outside bidder.

SEC. 7. The person to whom the contract for printing any one or more volumes of reports under the provisions of this act, may be awarded, shall give a good and sufficient bond running to the State, in the penal sum of five hundred dollars for each volume, conditioned that he will

faithfully perform all the requirements of said contract and all of the provisions of this act.

SEC. 8. The Librarian of the State Library shall give to the contracting printer a receipt for all copies of reports of said decisions delivered to her by such printer, and the Librarian shall keep a correct record, in a book kept especially for that purpose of all volumes received and distributed, under the provisions of this act, and shall take a receipt for all copies of such reports distributed, and file and preserve the same.

SEC. 9. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of preparing and printing the reports of said Supreme Court decisions.

SEC. 10. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 11. It being necessary and urgent that said decisions be printed at the earliest possible date. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 6th. day of March, 1903.

SENATE BILL NO. 62.

AN ACT

TO PROVIDE FOR THE MAKING OF PARTIES TO ACTIONS OR PROCEEDINGS BY THE DESCRIPTIONS OF "UNKNOWN OWNERS" OR "UNKNOWN HEIRS" OR "UNKNOWN DEVISES" OR BY ANY AND ALL OF SUCH DESIGNATIONS AND FOR THE MANNER OF MAKING SUCH PARTIES: FOR THE ISSUE OF PROCESS AGAINST THEM. THE MANNER OF SERVICE THEREOF UPON THEM AND THE EFFECT OF JUDGMENTS AND DECREES RENDERED AGAINST SUCH PARTIES IN SUCH ACTIONS OR PROCEEDINGS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That in all actions or proceedings to obtain title or possession or to remove adverse claim of title or to quiet title or for partition or for sale or for foreclosure of any incumbrance or enforcement of any trust or specific performance of any contract or for any other disposition of any property, real, personal, or mixed, situate within the State of Idaho including choses in action either situate within or due or claimed to be due from persons, firms or corporations resident within the State of Idaho, persons

may be made parties defendant either on the filing of the complaint, cross-complaint or complaint in intervention as the case may be or at any time thereafter by amendment thereof by the name and description of unknown owners or unknown heirs or unknown devises of any deceased person or by all of such designations. When persons are made parties defendant by the designation of unknown owners there shall be added to such designation a brief description of the property real, personal, or mixed including choses in action as aforesaid of which such persons are claimed or supposed to be unknown owners or claimants or parties in interest when any persons are made defendant by the style and description of unknown heirs there shall be added to such designation of them the name of the deceased person of whom they shall be claimed or supposed to be the heirs. When persons are made defendant by the style and description of unknown devises there shall be added to such designation the name of deceased person of whom they shall be claimed or supposed to be the devisees.

SEC. 2. When persons are made defendant by any or all of the designations above mentioned such person shall be named as defendants by such designations respectively in all summons which shall thereafter issue in the action. After the issue of any such summons in the action or proceedings on the filing of an affidavit made by or on behalf of the plaintiffs in the action or some one or more of them stating that there are persons interested in the controversy whose names are unknown to the plaintiffs or any of them and in a case of unknown heirs and devisees that there are persons interested in the controversy whose names are unknown to the plaintiffs in the action or any of them and who desire their interest as heirs of some person deceased naming such person or as devisees of such deceased person naming such person or both as such heirs and devisees or either as heirs or devisees and that none of the plaintiffs know whether as heirs or devisees and that the names of such heirs and devisees are unknown to the plaintiffs. The court or judge thereof or the probate judge of the county in which the action is pending must direct that publication be made of such summons in a newspaper to be designated as most likely to give notice to the person or persons to be served and for such length of time as may be deemed reasonable at least

once a week and for not less than one month. Proof of such publication of summons shall be made in the manner now provided by law for proof of publication of summons. The service of such summons upon persons made parties as aforesaid shall be deemed complete at the expiration of time prescribed by the order for publication.

SEC. 3. Judgments and decrees rendered in actions or proceedings when persons have been made parties and served by publication as aforesaid shall have the same effect in all respects as if such persons had been made parties by their own proper names and had been served by publication and mailing of summons according to the statutes in such case made and provided. If in such action or proceeding persons are made parties by the designation of unknown heirs as aforesaid the judgment or decree shall be conclusive as to all heirs of such deceased party. When in any action or proceeding persons are made defendants by the designation of unknown devisees as aforesaid the judgment or decree in such proceeding shall be conclusive as against all devisees of such deceased person. When in any action or proceeding persons are made defendants by the designation of unknown owners as aforesaid the judgment or decree rendered in such action or proceeding shall be conclusive as against the world including all contingent interests in the controversy and persons not in being who may have an interest or contingent interest therein.

SEC. 4. All acts and parts of acts in conflict with this act or any part thereof are hereby repealed.

Approved the 6th. day of March, 1903.

SENATE BILL NO. 65.

AN ACT

TO REGULATE THE MANNER OF TAKING APPEALS FROM PROBATE COURTS IN PROBATE MATTERS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. An appeal from the probate court in probate matters is taken by filing with the clerk of the probate court in which the judgment or order appealed from is made or entered, a notice stating the appeal from the same or some specific part thereof and serving a similar notice upon the administrator, administratrix, executor or executrix (unless they be the appellants) and upon all other parties interested who appeared upon the motion or pro-

ceeding which the appellant desires to have reviewed or upon their attorneys. The notice of appeal must be filed and served within sixty days after the order, decree or judgment is entered. The order of service is immaterial but the appeal is ineffectual for any purpose unless within ten days after service of the notice of appeal an undertaking be filed or a deposit of money be made with the clerk as hereinafter provided, or the undertaking be waived by the adverse party in writing.

SEC. 2. The undertaking on appeal must be in writing and must be executed on the part of the appellant by at least two sureties to the affect that the appellant will pay all damages and costs which may be awarded against him on the appeal or on a dismissal thereof not exceeding one hundred dollars; or that sum must be deposited with the clerk with whom the judgment or order was entered to abide the event of the appeal.

SEC. 3. The appeal may be taken either upon questions of both law and fact. If taken upon questions of law alone, the district court may review any such question which sufficiently appears upon the face of the record or proceeding without the aid of a bill of exception, but no bill of exceptions shall be allowed or granted in the probate court in probate matters. If the appeal be upon questions of both law and fact, the trial in the district court shall be de novo.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved the 11th. day of March, 1903.

SENATE BILL NO. 69.

AN ACT

TO AMEND SECTION 3 OF AN ACT ENTITLED, "AN ACT PROVIDING FOR THE ORGANIZATION, GOVERNMENT, AND DUTIES OF THE BOARD OF EXAMINERS CREATED BY SECTION 18 OF ARTICLE 4 OF THE CONSTITUTION," APPROVED ON THE 2ND DAY OF FEBRUARY, 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 3 of said act be amended to read as follows:

Section. 3. It shall be the duty of the board to examine all claims against the State, except salaries and compensation of officers fixed by law, and except fixed appropria-

tions for principal and interest of the public bonded debt, and except claims against the State already presented to the board and favorably reported by it to the Legislature for passage. The board may approve or disapprove any claim or demand against the State, or any item thereof, or may recommend a less amount in payment of the whole, or any item thereof, and a decision of a majority of the members shall stand as the decision of the board. But no claim shall be examined, considered or acted upon by said board, unless an account is filed giving all the items of the claim, duly verified by the oath of the person presenting said claim, or his agent, as to its correctness, and that the amount claim is justly due, and if the claim is for money expended in any amount greater than five dollars, a receipted vouched showing the payment of said money must be filed with the claim.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 70.

AN ACT

TO AMEND SECTION 18 OF AN ACT ENTITLED AN ACT RELATING TO REVENUE, PROVIDING FOR THE PAYMENT OF AN ADVALOREM TAX FOR STATE PURPOSES, PROVIDING WHAT PROPERTY IS TAXABLE FOR STATE, COUNTY, CITY, TOWN, VILLAGE AND INDEPENDENT SCHOOL DISTRICT PURPOSES, AND MAKING EXEMPTIONS THEREFROM. PROVIDING THE MANNER OF ASSESSING, EQUALIZING, COLLECTING AND ENFORCING THE SAME, PRESCRIBING THE DUTY AND POWERS OF OFFICERS IN RELATION TO THE ASSESSMENT, EQUALIZATION, COLLECTION AND DISBURSEMENT OF REVENUES.AND FIXING THE PENALTIES FOR FAILURE TO EXECUTE THE SAME. REPEALING AN ACT ENTITLED "AN ACT RELATING TO REVENUE ETC., APPROVED FEBRUARY 16, 1899, AND ALL OTHER ACTS AND PARTS OF ACTS INCONSISTENT WITH THE PROVISIONS HEREOF: APPROVED ON THE 22ND DAY OF MARCH 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18 of the above entitled act be amended to read as follows:

Section 18. As soon as any such live stock is returned to its home county or if not so returned there before the expiration of the fiscal year the owner thereof to whom they

were first assessed shall present the receipt or receipts received by him or any other person to whom he may have sold, showing what part or parts of the fiscal year for which taxes have been paid in other counties under and in pursuance of the provisions of this act, and said owner shall be entitled to and receive from the treasurer of said home county and out of the migratory stock fund that part of the amount of the taxes paid on such live stock in said home county, proportionate as the total periods of time for which taxes have been paid in other counties within the State, as shown by the receipts therefor presented, is to the whole year: *Provided,* That all the provisions of this act, in regard to the payment of rebates shall apply where live stock owned by bona fide residents of this State, has been ranged or grazed in an adjoining State for a portion of the year. And the owner of said live stock has been assessed and paid taxes on said live stock in said adjoining State. Upon the owner making satisfactory proof of the time during which his live stock has ranged during such year in said adjoining State.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. An emergency existing therefor this act shall be in force from and after its passage and approval.

Approved the 9th. day of March, 1903.

SENATE BILL NO. 79.

AN ACT

TO PROVIDE FOR THE CARE AND KEEPING OF MONEYS IN THE CUSTODY OF THE TREASURER OF THE STATE OF IDAHO, AND PRESCRIBING PENALTIES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. The Governor, Attorney General and State Auditor are hereby constituted a Board of Deposits, of which the Governor shall be chairman and the State Auditor, secretary. A record of the proceedings of said board shall be kept by the secretary, in books provided for the purpose, and a transcript of such record, or any portion thereof, shall be admissible in evidence in all courts of this State.

Regular meetings of said board shall be held at the State capitol building at such times as said board shall by rule prescribe, and said board may hold, from time to time, such

adjourned or special meetings as the business before it may require, such special meetings to be called by the Governor or any two members of said board by written notice filed with the Auditor and served upon the other member or members of said board, if within the State, at least twenty-four hours prior to said meeting: *Provided,* That when all members of said board are present at any meeting due notice thereof shall be deemed to have been given.

SEC. 2. Any National or State banking corporation, resident and doing business within this State, complying with all the conditions and requirements of this act, may, upon being so designated by said board of deposits, become a State Depository.

SEC. 3. Every such banking corporation before it be permitted to receive on deposit any State moneys shall file with the State Treasurer a good and sufficient surety bond to the State of Idaho, to be approved by said board, in some approved guaranty and surety company, authorized to do business in this State, which bond shall be conditioned upon the payment to the State of Idaho, upon the order or demand of the State Treasurer thereof, free of exchange, at any time and place, designated by said Treasurer, of so much or all the State moneys on deposit with said banking corporation, together with accumulated interest thereon at the rate fixed by said board,—or in lieu of such bond, such banking corporation shall deposit with the Treasurer, under such rules and regulations as may be established by said Board of Deposits, not less than one dollar and ten cents in value at the then market value of any of the following securities, to be approved by said board, for each dollar of the State moneys to be thereafter deposited with said banking corporation, to wit:

Bonds of the State of Idaho and those for the payment of which it is ultimately liable; the bonds of the several counties, cities, towns, villages, irrigation and school districts of this State; the bonds of the United States; the warrants of the State of Idaho and of the several counties thereof. No such bonds or other collateral shall be approved by the board for more than its par value, nor approved if its then market value is less than 95 per cent of its par value, nor if there has been a default within five years in the payment of the principal or interest of any obligation issued by the same payor. The securities

deposited under the provisions of this section may be withdrawn from time to time when in excess of the requirements, but the total amount of such collateral securities shall at no time be less than one dollar and ten cents for each dollar of State moneys so held on deposit by the banking corporation giving such security.

SEC. 4. The Board of Deposits shall not approve the bond of any such banking corporation until fully satisfied that said bond is good and sufficient to indemnify the State against loss and that said corporation is solvent and has unimpaired, the paid-up capital claimed by it; and said board may at any time require any such depository to furnish new or additional bond or security of the kind hereinbefore prescribed and may also revoke the designation of such depository and immediately upon such revocation such corporation shall cease to be a State Depository and all moneys with accumulated interest on deposit therein shall be immediately transmitted to the said treasurer by such corporation at its own risk, and without charge to the State.

SEC. 5. The Board of Deposits, by one or more of its number, or by some qualified person designated by it, shall, before designating a depository, make thorough examination and investigation into the condition of any banking corporation which may make application to become a State Depository, and thereafter, as it deems necessary, make such investigation and examination of the condition and resources of the said corporation as it may deem necessary or advisable and any such banking corporation which shall fail or refuse to afford said Board of Deposits or the person designated by it, every facility for ascertaining its financial condition and resources, shall not be designated as a depository and, if previously designated, such designation shall be forthwith revoked by said board.

SEC. 6. Every such State Depository shall, on the fifth fix the rate of interest to be paid by said depositories upon all State moneys so deposited with them, which rate of interest shall be the highest obtainable: *Provided*, That such rate of interest may differ for different depositories, but in no case shall be less than two per cent. per annum on daily balances. The amount on deposit in any designated depository shall not, at any time, exceed ninety per cent.

of its paid up capital and permanent surplus, nor more than the penalty of the surety bond furnished by it.

SEC. 7. In case two or more banking corporations shall offer the same and highest rate of interest upon State moneys to be so deposited with them, the Board of Deposits may designate the one to receive such deposits, or may apportion the amount among such banking corporations.

SEC. 8. Every such State Pepository shall, on the fifth day of each month, and oftener if required by said board, file with the State Auditor and State Treasurer, in duplicate, a statement, verified by the oath of the president, vice-president or cashier of said banking corporation, showing the amount of State moneys on deposit with it at the close of business on each day of the month preceding, together with a statement of the interest accumulated therein, and within five days after the first day of January, April, July and October in each year, shall make and file with the State Auditor and State Treasurer, in duplicate, a full statement of all State moneys deposited with it during the preceding quarter, together with a statement of accumulated interest for such quarter, computed on daily balances, and such interest shall thereupon be added to and form a part of the deposit balance from the first day of each quarter, and the interest shown by such statement to have been earned shall thereupon be apportioned by the State Treasurer to the several funds in proportion to the amount earned by each.

SEC. 9. All offers of interest upon deposits of State moneys, shall be in writing, addressed to the Board of Deposits, and filed with the State Auditor. No such offer shall be given publicity until the designation of the depository, or depositories, has been made, whereupon said board shall make public the name or names and location or locations of the several designated depositories, the sum on deposit in each, and the rate of interest such deposits are to bear.

SEC. 10. The Board of Trustees of the capitol building shall, as soon as practicable, provide a fire and burglar proof vault and burglar proof safe of sufficient size and suited to the requirements of the State Treasurer in the care and safe keeping of the State moneys, and there is hereby appropriated for such purpose out of any funds in the treasury, not otherwise appropriated, the sum of seven

thousand five hundred dollars. From and after the completion of said vault and the procuring of said safe, all State moneys in the custody of the State Treasurer, not otherwise deposited as in this act provided, shall be kept in said vault and safe and in no other place. A violation of this section shall subject the State Treasurer, upon conviction thereof, to pay a fine of not less than five thousand nor more than ten thousand dollars, or by imprisonment in the State prison for a period of not less than one nor more than ten years, or by both such fine and imprisonment.

SEC. 11. Whenever the Board of Deposits shall have designated a depository or depositories and all the conditions required of such depository or depositories shall have been complied with, the State Auditor shall notify, in writing, the State Treasurer of the action of said board, giving the name or names, and location or locations of such depository or depositories, and the amount of deposit alloted by said board to each and the rate of interest which said deposit or deposits are to bear: and it is hereby made the duty of the State Treasurer to forthwith transmit to such depository or depositories so designated the amount of State moneys alloted to each, the expense of insuring and transmitting said moneys to be paid by such depository or depositories in advance of such transmission, and any and all sums so deposited in such depositories shall be deemed to be in the State Treasury, and such Treasurer shall not be liable for any loss of such deposits, or any part or portion therof, resulting from the failure or default of any such depository, not resulting from the fault or neglect of the Treasurer or his subordinates.

SEC. 12. As funds, from time to time, shall be required by the State Treasurer to meet the lawful demands upon the treasury, or as funds shall be required for investment under the provisions of Sections 3 and 11 of Article 9 of the Constitution or of the laws passed pursuant thereto, he shall draw upon such depository or depositories and in such amount or amounts as shall be designated by the Board of Deposits.

In designating depositories, banking corporations of this State shall be given preference over those without the State, and no State moneys shall be deposited under the provisions of this act, in any depositories out of this State

so long as there be banking corporations within the State offering to pay the minimum rate of interest provided by this act and otherwise to comply with all the provisions thereof, but any portion of said State moneys, available for deposit in such depositories, upon which the minimum rate of interest established has not been offered by any banking corporation of this State may be deposited by said Board of Deposits in some bank or banks, or trust companies, each having a paid up capital of not less than one million dollars in either of the cities of Chicago or New York or both of them, at interest as computed as hereinbefore in this act provided and subject to all the other provisions of this act, except that no bond or collateral security shall be required of such banks or trust companies, and the interest arising upon such deposits shall be apportioned by the State Treasurer as herein provided.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 14. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 86.

AN ACT

RELATING TO NEGOTIABLE INSTRUMENTS (BEING AN ACT TO ESTABLISH A LAW UNIFORM WITH THE LAWS OF OTHER STATES ON THAT SUBJECT.)

Be it enacted by the Legislature of the State of Idaho:

Title 1. *Negotiable Instruments in General.*

ARTICLE I.—*Form and Interpretation.*

SECTION 1. An instrument to be negotiated must conform to the following requirements:

First. It must be in writing and signed by the maker or drawer.

Second. Must contain an unconditional promise or order to pay a sum certain in money.

Third. Must be payable on demand or at a fixed or determinable future time.

Fourth. Must be payable to the order of a specified person or to bearer; and,

Fifth. Where the instrument is addressed to a

drawee, he must be named or otherwise indicated therein with reasonable certainty.

SEC. 2. The sum payable is a sum certain within the meaning of this act; although it is to be paid;

First. With interest; or

Second. By stated; installments; or

Third. By stated installments, with a provision that upon default in payment of any installment, the whole shall become due; or

Fourth. With exchange, whether at a fixed rate or at the current rate; or

Fifth. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

SEC. 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:

First. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or

Second. A statement of the transaction which gives rise to the instrument. But an order or promise to pay out of a particular fund is not unconditional.

SEC. 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:

First. At a fixed rate period after date or sight; or

Second. On or before a fixed or determinable future time specified therein; or

Third. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SEC. 5. An instrument which contains an order or promise to do an act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

First. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or

Second. Authorizes a confession of judgment if the instrument be not paid at maturity; or

Third. Waives the benefit of any law intended for the advantagte or protection of the obligor; or

Fourth. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

SEC. 6. The validity and negotiable character of an instrument are not affected by the fact that:

First. It is not dated; or

Second. Does not specify the value given, or that any value has been given therefor; or

Third. Does not specify the place where it is drawn or the place where it is payable; or

Fourth. Bears a seal; or

Fifth. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statue requiring in certain cases the nature of the consideration to be stated in the instrument.

SEC. 7. An instrument is payable on demand:

First. Where it is expressed to be payable on demand, or at sight, or on presentation; or

Second. In which no time for payment is expressed.

Where an instrument is issued, accepted or indorsed when overdue, it is, as regards the person so issuing, accepting or indorsing it, payable on demand.

SEC. 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

First. A payee who is not maker, drawer or drawee; or

Second. The drawer or maker; or

Third. The drawee; or

Fourth. Two or more payees jointly; or

Fifth. One or some of several payees; or

Sixth. The holder of an office for the time being.

Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

SEC. 9. The instrument is payable to bearer:

First. When it is expressed to be so payable; or

Second. When it is payable to a person named therein or bearer; or

Third. When it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or

Fourth. When the name of the payee does not purport to be the name of any person; or

Fifth. When the only or last indorsement is an indorsement in blank.

SEC. 10. The negotiable instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements thereof.

SEC. 11. When the instrument or an acceptance or any indorsement thereon is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement, as the case may be.

SEC. 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

SEC. 13. When an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

SEC. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a prima facie authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by a person making the signature in order that the paper may be converted into a negotiable instrument operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if

any such instrument after completion, is negotiable to a holder in due course it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

SEC. 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

SEC. 16. Every contract on a negotiable instrument is incomplete and revokable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder is due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument.

But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

SEC. 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

First. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount.

Second. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof.

Third. Where the instrument is not dated, it will be considered to be dated as of the time it was issued.

Fourth. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail.

Fifth. Where the instrument is so ambiguous that there is doubt whether it is a bill or a note, the holder may treat it as either, at his election.

Sixth. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an endorser.

Seventh. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

SEC. 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

SEC. 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

SEC. 20. Where the instrument contains, or a person adds to his signature, words indicating that he signs for or on behalf of the principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character without disclosing his principal, does not exempt him from personal liability.

SEC. 21. A signature by "procuration" operates as notice that the agent has but limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.

SEC. 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.

SEC. 23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce

payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.

ARTICLE II.—*Consideration.*

SEC. 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.

SEC. 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such, whether the instrument is payable on demand or at a future time.

SEC. 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.

SEC. 27. Whether the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.

SEC. 28. Absence of failure of consideration is a matter of defense as against any person not a holder in due course, and partial failure of consideration is a defense pro tanto, whether the failure is an ascertained and liquidated amount or otherwise.

SEC. 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

ARTICLE III.—*Negotiation.*

SEC 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof if payable to bearer, it is negotiated by delivery; if payable to order, it is negotiated by the endorsement of the holder, completed by delivery.

SEC. 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The

signature of the indorser, without additional words, is a sufficient indorsement.

SEC. 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more endorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

SEC. 33. An indorsement may be either in blank or special; and it may also be either restrictive or qualified, or conditional.

SEC. 34. A special indorsement specifies the person to whom or to whose order the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

SEC. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

SEC. 36. An indorsement is restrictive which either—

First. Prohibits the further negotiation of the instrument; or

Second. Constitutes the indorsee the agent of the indorser; or

Third. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

SEC. 37. A restrictive indorsement confers upon the indorsee the right:

First. To receive payment of the instrument.

Second. To bring any action thereon that the indorser could bring.

Third. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorsees acquire only the title of the first indorsee under the restrictive indorsement.

SEC. 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It

may be made by adding to the indorser's signature the words "Without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

SEC. 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make a payment to the indorsee or his transferee, whether the conditions has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

SEC. 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as to make title through his indorsement.

SEC. 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse unless the one indorsing has authority to indorse for the others.

SEC. 42. Where an instrument is drawn or indorsed to a person, as "Cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

SEC. 43. Where the names of the payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described adding, if he think fit, his proper signature.

SEC. 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

SEC. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been affected before the instrument was overdue.

SEC. 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

SEC. 47. An instrument negotiable in its origin con-

tinues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

SEC. 48. The owner may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsees subsequent to him, are thereby relieved from liability on the instrument.

SEC. 49. When the holder of an instrument payable to his order transfers it for value without indorsing it, the transferer vests in the transferee such title as the transferee had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

SEC. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, re-issue and further negotiate the same—but he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

ARTICLE IV.—*Rights of the Holder.*

SEC. 51. The holder of a negotiable instrument may sue thereon in his own name and payment to him in due course discharges the instrument.

SEC. 52. A holder in due course, is a holder who has taken the instrument under the following conditions:

First. That the instrument is complete and regular upon its face.

Second. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact.

Third. That he took it in good faith and for value.

Fourth. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

SEC. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

SEC. 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a

holder in due course only to the extent of the amount theretofore paid by him.

SEC. 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to fraud.

SEC. 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

SEC. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

SEC. 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the later.

SEC. 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

ARTICLE V.—*Liabilities of Parties.*

SEC. 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor, and admits the existence of the payee and his then capacity to indorse.

SEC. 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse, and engages that in due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent endorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negotiating or limiting his own liability to the holder.

SEC. 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance, and admits:

First. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

Second. The existence of the payee and his then capacity to endorse.

SEC. 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

SEC. 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

First. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

Second. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

Third. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

SEC. 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

First. That the instrument is genuine in all respects what it purports to be.

Second. That he has a good title to it.

Third. That all prior parties had capacity to contract.

Fourth. That he has no knowledge of any fact which

would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

SEC. 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

First. The matters and things mentioned in subdivisions one, two and three of the next preceding section; and

Second. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

SEC. 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

SEC. 68. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise, joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

SEC. 69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by Section 65 of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

ARTICLE VI.—*Presentment for Payment.*

SEC. 70. Presentment for payment is not necessary in order to charge the person primarily on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein

otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

SEC. 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due.

Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

SEC. 72. Presentment for payment, to be sufficient, must be made:

First. By the holder, or by some person authorized to receive payment on his behalf.

Second. At a reasonable hour on a business day.

Third. At a proper place as herein defined.

Fourth. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

SEC. 73. Presentment for payment is made at the proper place:

First. Where a place of payment is specified in the instrument and it is there presented.

Second. Where no place of payment is specified and the address of the person to make payment is given in the instrument and it is there presented.

Third. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment.

Fourth. In any other case, if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

SEC. 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

SEC. 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

SEC. 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, pre-

sentment for payment must be made to his personal representative, if such there be, and if with the exercise of reasonable diligence he can be found.

SEC. 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

SEC. 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

SEC. 79. Presentment for payment is not required in order to charge the drawer when he has no right to expect or require that the drawee or acceptor will pay the instrument.

SEC. 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

SEC. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence.

When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

SEC. 82. Presentment for payment is dispensed with:

First. Where after the exercise of reasonable diligence presentment as required by this act can not be made.

Second. Where the drawee is a fictitious person.

Third. By waiver of presentment, express or implied.

SEC. 83. The instrument is dishonored by non-payment when:

First. It is duly presented for payment and payment is refused or can not be obtained; or

Second. Presentment is excused and the instrument is overdue and unpaid.

SEC. 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.

SEC. 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of

maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12:00 o'clock noon on Saturday when that entire day is not a holiday.

SEC. 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

SEC. 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

SEC. 88. Payment is made in due course when it is made at or after maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

ARTICLE VII—*Notice of Dishonor.*

SEC. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

SEC. 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given.

SEC. 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

SEC. 92. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

SEC. 93. Where notice is given by or on behalf of a party entitled to given notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

SEC. 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he gives notice to his principal, he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder.

SEC. 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate unless the party to whom the notice is given is in fact misled thereby.

SEC. 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mail.

SEC. 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

SEC. 98. Where any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence, he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

SEC. 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

SEC. 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

SEC. 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

SEC. 102. Notice may be given as soon as the instrument is dishonored, and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

SEC. 103. Where the person giving and the person to

receive notice reside in same place, notice must be given within the following times:

First. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following:

Second. If given at his residence, it must be given before the usual hours of rest on the day following.

Third. If sent by mail, it must be deposited in the postoffice in time to reach him in the usual course on the day following.

SEC. 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times:

First. If sent by mail, it must be deposited in the postoffice in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

Second. If given otherwise than through the postoffice, then within the time that notice would have been received in due course of mail, if it had been deposited in the postoffice within the time specified in the last subdivision.

SEC. 105. Where notice of dishonor is duly addressed and deposited in the postoffice, the sender is deemed, to have given due notice, notwithstanding any miscarriage in the mails.

SEC. 106. Notice is deemed to have been deposited in the postoffice when deposited in any branch postoffice or in any letter box under the control of the postoffice department.

SEC. 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

SEC. 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he is not given such address, then the notice must be sent as follows:

First. Either to the postoffice nearest to his place of residence, or to the postoffice where he is accustomed to receive his letters; or

Second. If he lives in one place, and have his place of

business in another, notice may be sent to either place; or

Third. If he is sojourning in another place, notice may be sent to the place where he is sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

SEC. 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be expressed or implied.

SEC. 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties, but where it is written above the signature of an indorser, it binds him only.

SEC. 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is deemed to be a waiver not only of a formal protest, but also of a presentment and notice of dishonor.

SEC. 112. Notice of dishonor is dispensed with when after the exercise of reasonable diligence, it can not be given to or does not reach the parties sought to be charged.

SEC. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

Sec. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

First. Where the drawer and drawee are the same person.

Second. Where the drawee is a fictitious person or a person not having capacity to contract.

Third. Where the drawer is the person to whom the instrument is presented for payment.

Fourth. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument.

Fifth. Where the drawer has countermanded payment.

SEC. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

First. Where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the instrument.

Second. Where the indorser is the person to whom the instrument is presented for payment.

Third. Where the instrument was made or accepted, for his accommodation.

SEC. 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

SEC. 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

SEC. 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required, except in the case of foreign bills of exchange.

ARTICLE VIII.—*Discharge of Negotiable Instruments.*

SEC. 119. A negotiable instrument is discharged:

First. By payment in due course by or on behalf of the principal debtor.

Second. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation.

Third. By the intentional cancellation thereof by the holder.

Fourth. By any other act which will discharge a simple contract for the payment of money.

Fifth. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SEC. 120. A person secondarily liable on the instrument is discharged:

First. By an act which discharges the instrument.

Second. By the intentional cancellation of his signature by the holder.

Third. By the discharge of a prior party.

Fourth. By a valid tender of payment made by a prior party.

Fifth. By a release of the principal debtor, unless the

holder's right of recourse against the party secondarily liable is expressly reserved.

Sixth. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SEC. 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

First. Where it is payable to the order of a third person, and had been paid by the drawer; and

Second. Where it was made or accepted for accommodation, has been paid by the party accommodated.

SEC. 122. The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

SEC. 123. A cancellation made unintentionally or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

SEC. 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers.

But when an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

SEC. 125. Any alteration which changes:

First. The date.

Second. The sum payable, either for principal or interest.

Third. The time or place of payment.

Fourth. The number of the relations of the parties.

Fifth. The medium or currency in which payment is to be made.

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect, is a material alteration.

ARTICLE IX.—*Form and Interpretation.*

SEC. 126. A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

SEC. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof, and the drawee is not liable on the bill unless and until he accepts the same.

SEC. 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession.

SEC. 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

SEC. 130. Where in a bill, drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having a capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or a promissory note.

SEC. 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not, as he may see fit.

ARTICLE X.—*Acceptance.*

SEC. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawer. It must not express that the drawee will perform his promise by any other means than the payment of money.

SEC. 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused, may treat the bill as dishonored.

SEC. 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown and who, on the faith thereof, receives the bill for value.

SEC. 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

SEC. 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

SEC. 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

SEC. 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

SEC. 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

SEC. 140. An acceptance to pay at a particular place

is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

SEC. 141. An acceptance is qualified, which is:

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated.

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn.

3. Local, that is to say, an acceptance to pay only at a particular place.

4. Qualified as to time.

5. The acceptance of some one or more of the drawees, but not of all.

SEC. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance or subsequently assent thereto. When the drawer or an endorser receives notices of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

SEC. 143. Presentment for acceptance must be made:

1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or

2. Where the bill expressly stipulates that it shall be presented for acceptance; or

3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee. In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

SEC. 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time.

If he fail to do so, the drawer and all indorsers are discharged.

SEC. 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawer

or some person authorized to accept or refuse acceptance on his behalf; and

1. Where a bill is addressed to two or more drawers who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.

2. Where the drawee is dead, presentment may be made to his personal representative.

3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

SEC. 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of Sections 72 and 85 of this act.

When Saturday is not otherwise a holiday, presentment for acceptance may be made before 12 o'clock noon on that day.

SEC. 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers.

SEC. 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases:

1. Where the drawee is dead, or has absconded or is a fictitious person or a person not having capacity to contract by bill.

2. Where after the exercise of reasonable diligence, presentment can not be made.

3. Where although presentment has been irregular, acceptance has been refused on some ground.

SEC. 149. A bill is dishonored by non-acceptance:

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or can not be obtained; or

2. Where a presentment for acceptance is excused and the bill is not accepted.

SEC. 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

SEC. 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorses accrues to the holders and no presentment for payment is necessary.

SEC. 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof, in case of dishonor is unnecessary.

SEC. 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify:

1. The time and place of presentment.

2. The fact that presentment was made and the manner thereof.

3. The cause and reason for protesting the bill.

4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

SEC. 154. Protest may be made by:

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more creditable witnesses.

SEC. 155. When the bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

SEC. 156. A bill must be protestd at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance,

it must be protested for non-payment at the place where it is expressed to be payable, and no other presentment for payment to, or demand on, the drawee is necessary.

SEC. 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

SEC. 158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

SEC. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

SEC. 160. Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

SEC. 161. Where a bill of exchange has been protested for dishonor by non-acceptance, or protested for better security, and is not overdue, any person not being a party already liable thereon, may with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

SEC. 162. An acceptance for honor supra protest must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor.

SEC. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer.

SEC. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

SEC. 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance: *Provided*, It shall

not have been paid by the drawee: And *Provided, also,* That it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

SEC. 166. When a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor.

SEC. 167. Where a dishonored bill has been accepted for honor supra protest or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need.

SEC. 168. Presentment for payment to the acceptor for honor must be made as follows:

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity.

2. If it is to be presented in some other place where it was protested, then it must be forwarded within the time specified in Section 104.

SEC. 169. The provisions of Section 81 apply where there is delay in making presentment to the acceptor for honor or referee in case of need.

SEC. 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

SEC. 171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

SEC. 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

SEC. 173. The notarial act of honor must be founded on a declaration made by the payee for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

SEC. 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

SEC. 175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

SEC. 176. Where the holder of a bill refuses to receive payment supra protest he loses his right of recourse against any party who would have been discharged by such payment.

SEC. 177. The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

SEC. 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

SEC. 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section effects the rights of a person who in due course accepts or pays the part first presented to him.

SEC. 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

SEC. 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

SEC. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

SEC. 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

SEC. 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another, signed by the maker

engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

SEC. 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act are applicable to a bill of exchange payable on demand apply to a check.

SEC. 186. A check must be presented for payment within a reasonable time after its issue, or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

SEC. 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

SEC. 188. Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

SEC. 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

SEC. 190. This act shall be known as the Negotiable Instrument Law.

SEC. 191. In this act unless the context otherwise requires: "Acceptance" means an acceptance completed by delivery or notification. "Action" includes counter-claim and set-off. "Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not. "Bearer" means the person in possession of a bill or note which is payable to bearer. "Bill" means bill of exchange, and "Note" means negotiable promissory note. "Delivery" means transfer of possession, actual or constructive, from one person to another. "Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof. "Indorsement" means an indorsement completed by delivery. "Instrument" means negotiable instrument. "Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder. Person includes a body of persons, whether incorporated or not. "Value" means valuable consideration. "Written" includes printed, and "writing" includes print.

SEC. 192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same.

All other parties are "secondarily" liable.

SEC. 193. In determining what is a "reasonable time" or an "unreasonable time" regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

SEC. 194. Where the day, or the last day, for doing an act herein required or permitted to be done fall on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

SEC. 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the passage hereof.

SEC. 196. In any case not provided for in this act, the rules of the law merchant shall govern.

SEC. 197. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

SEC. 198. This act shall take effect immediately after its passage and approval by the Governor.

Approved on the 10th day of March, 1903.

SENATE BILL NO. 90.

AN ACT

TO PROTECT HOTEL AND BOARDING HOUSE KEEPERS AND TO MAKS CERTAIN ACTS MISDEMEANORS AND TO PROVIDE A PUNISHMENT THEREFOR.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. Any person who shall obtain food lodging or other accommodations at any hotel, lodging house, furnished room, boarding house, or other eating house with intent to defraud the owner or keeper thereof by not paying for the same shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five (25) dollars and not exceeding one hundred (100) dollars or imprisonment in the county jail not less than five (5) days nor more than thirty (30) days or both in the discretion of the court.

SEC. 2. Proof that lodging, food, or other accommodation was obtained by any false pretense, or by any false

or fictitious show or pretense of any baggage or other property or that any person absconded without paying or offering to pay for such food, lodging or other accommodation or that any such person surreptitiously removed or attempted to remove his or her baggage shall be prima facie proof of the fraudulent intent mentioned in Section One (1) of this act.

SEC. 3. It shall be the duty of every hotel, lodging house, furnished room, boarding house or other eating house keeper within this State, to keep a copy of the two preceding sections of this act printed in plain English type posted upon the inside entrance door of each public sleeping room in such house and no conviction shall be had under the provisions of this act unless it shall be made to appear to the court that such notice was posted upon the inside entrance of the door of the sleeping room occupied by the person or persons by whom it is alleged the crime has been committed: *Provided however,* That when such act is committed against any persons who do not keep public sleeping rooms in connection with their eating house it shall be sufficient to show in such case that said notice was so posted in some public place at or near where guests usually paid their bills.

SEC. 4. Justices of the peace for the county in which the act complained of shall be committed shall have jurisdiction of cases arising under this act and appeals from the judgment of such justice of the peace shall lie to the district court in such county in the same manner as is now provided by law for appeals from judgments of justices of the peace in other cases of misdemanor.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved the 9th. day of March, 1903.

SENATE BILL NO. 91.

AN ACT

TO AMEND SECTION SEVENTY-THREE OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES" APPROVED FEBRUARY 10TH, 1899, AS AMENDED BY AN ACT ENTITLED "AN ACT TO AMEND SECTION SEVENTY-THREE OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES" APPROVED ON THE 10TH DAY OF FEBRUARY, 1899" APPROVED MARCH 19TH, 1901.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section Seventy-three of an act entitled "An act to provide for the organization, government, and powers of cities and villages" approved February 10th, 1899, as amended by an act entitled "An act to amend Section seventy-three of an act entitled "An act to provide for the organization and government of cities and villages' approved on the 10th day of February, 1899" approved March 19th, 1901, (said Section seventy-three conferring certain powers upon cities and villages and particularly specified in each of the subdivisions thereof), be amended to read as follows:

Section 73. In addition to the powers hereinbefore granted to cities and villages under the provisions of this chapter, any city or village may, by ordinance or by-laws:

First. Levy taxes for general revenue purposes not to exceed ten mills on the dollar, in any one year, on all the property within the limits of said city or village, taxable according to the laws of the State of Idaho, the valuation of such property to be ascertained from the books or assessment rolls of the tax collector of the proper county.

Second. Levy any other tax or special assessment authorized by law.

Third. Establish, lay out, alter, open any streets or alleys, and improve, repair, grade, sprinkle, light, or drain the same and remove any and all obstructions therefrom. Establish grades and construct bridges, cross-walks, culverts and sewers thereon, and repair and maintain the same; cause to be planted, set out and cultivated, shade trees along the lines thereof or therein; and defray the expenses of the same out of the general funds of such city or village, not exceeding two mills of the levy for general purposes; but no street shall be graded except the same be ordered to be done by the affirmative vote of two-thirds of the city council or trustees.

Fourth. Provide by general ordinance for the construction and repair of sidewalks and for the laying of temporary plank sidewalks upon the natural surface of the ground, without regard to grade, upon the streets not permanently improved, and provide for the assessment of the cost thereof on the property in front of which same shall be constructed, repaired or laid.

Fifth. Curb, plank, pave, gravel, macadamize or gutter any highway, street or alley therein, in whole or in part, and levy a special tax on the lots and parcels of land fronting on such highway, street or alley, to pay the expense thereof. But, unless a majority of the resident owners of the property subject to assessment for such improvement petition the council or trustees to make the same, such improvement shall not be made unless three-fourths of all the members of such council or trustees shall, by an affirmative vote, at a regular meeting, assent to and order the same.

Sixth. Assessments made under the provisions of sub-division "fifth" of this section, shall be made, assessed and collected in the following manner:

1. The assessment or cost of any work or improvement provided for in sub-division "fifth" of this section, shall be assessed upon the lots and lands fronting thereon, each lot being separately assessed for the full debt thereof in proportion to the benefits to the property to be benefited, sufficient to cover the total expense of the work to the center of the street on which it fronts.

2. The expense of all improvements in the space formed by the junction of two or more streets, or wherein one main street terminates in or crosses another main street, and also all street crossings or cross-walks shall be paid by such city or village.

3. When any work or improvement mentioned in this section is done or made on one side of the center line of said alleys or public ways, the lots fronting on that side only shall be assessed to cover the expenses of said work, according to the provisions of this act.

4. The city council or trustees shall, before, or during the grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefited, first pass at a special meeting, a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance, the name of the street or alley to be improved, the points between which the said improvement is to be made, the general character of the proposed improvement and the estimate of the cost of the same, and that the cost of the same is to be assessed against the property abutting (and included in the assessment district herein provided)

on such street proposed to be improved, and shall fix the time, not less than ten days, in which protests against said proposed improvement may be filed in the office of the city clerk. It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the city, in at least two consecutive issues, before the time fixed in such resolution for filing such protests, and affidavit of such publication shall be filed on or before the time fixed for such filing. If protests against the proposed improvement by the owners of more than two-thirds of the front feet of lots and lands abutting on such proposed improvement and included in the assessment district therein provided, be filed on or before the date fixed for such filing, the council or trustees shall not proceed further with the work, unless three-fourths of the members of said council or board of trustees shall vote to proceed with such work. If no such protest is filed, or if such protest is filed and three-fourths of the council or trustees shall vote to proceed with such work, the council or trustees shall, at its next regular meeting, proceed to consider the same, and shall then or at a subsequent time proceed to enact an ordinance for such improvement. By the provisions of such ordinance, a local improvement district shall be established, to be called "Local Improvement District No. ....." which shall include all the property fronting on the street to be improved between the points named in such resolution, to the distance back from such street, if platted in blocks, to the center of the blocks; if platted in lots only, to the center of the lots, and if not platted to the distance of one hundred and twenty feet. Such ordinance shall provide that such improvement shall be made, and that the cost and expense thereof shall be taxed and assessed upon all the property in such local improvement district, which cost shall be assessed in proportion to the number of feet of such lands and lots fronting thereon, and included in said improvement district, and in proportion to the benefits derived by said improvement: *Provided,* That the city council or trustees may expend from the general fund for such purposes, such sums, as in their judgment, may be fair and equitable in consideration of benefits accruing to the general public by reason of such improvements.

The expense of all improvements in the space formed

by the junction of two or more streets or where one main street terminates in or crosses another main street, and also all necessary street crossings or crossways at corners and intersections of streets, and the expense of establishing, building and repairing bridges in such city, shall be paid by such city. The expense incurred in making and repairing sewers in any street shall be paid by the city. When any work or improvement mentioned in this section is done or made on one side of the center lines of said streets, avenues or public highways, the lots or portion of lots fronting on that side only shall be assessed to cover the expenses of said work according to the provisions of this section. Whenever any expenses or cost of work shall have been assessed on any lands, the amount of said expenses shall become a lien upon said lands, which shall take precedence of all other liens, and which may be foreclosed in accordance with the provisions of the Code of Civil Procedure. Such suit shall be in the name of the City of .....(naming it) as plaintiff, and in any such proceedings where the court trying the same shall be satisfied that the work has been done or material furnished, which, according to the true intent of the act, would be properly chargeable upon the lot or lands through or by which the street, alley or highway improved or repaired may pass, a recovery shall be permitted or a charge enforced to the extent of the proper proportion or the value of the work, or material which would be chargeable on such lot or land notwithstanding any informalities, irregularities or defects in any of the proceedings of such municipal corporation or any of its officers.

5. Upon the passage of an ordinance as herein provided, the committee on streets, together with the city engineer, or other proper authority of such city, town or village, shall make out an assessment roll according to the provisions of the said ordinance, and shall certify the same, to the council or trustees of such city, town or village.

6. Upon receiving the said assessment roll, the clerk of such city, town or village shall give notice by three successive publications in the official newspaper of such city, town or village, and that such assessment roll is on file in his office, the date of filing of same, and said notice shall state a time at which the council or trustees will hear and consider objections to said assessment roll by the

parties aggrieved by such assessments. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may, within ten (10) days from the last publication provided herein, file with the clerk his objections, in writing, to said assessment.

7. At the time appointed for hearing objections to such assessment, the council shall hear and determine all objections which have been filed by any party interested, to the regularity of the proceedings in making such assessment and the correctness of such assessment, or of the amount levied on any particular lot or parcel of land; and the council shall have the power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise, correct, confirm or set aside, and to order that such assessment be made de novo, and such council shall pass an order approving and confirming said proceedings and said assessment as corrected by them, and their decision and order shall be a final determination of the regularity, the validity and correctness of said assessment to the amount thereof, levied on each lot or parcel of land.

8. Any person who has filed objections to such assessment or reassessment, as hereinbefore provided, shall have the right to appeal to the district court of this State and county in which such city or village may be situated.

9. Such appeal shall be made by filing a written notice of appeal with the clerk of such city or village within ten (10) days after such assessment or reassessment roll shall have been approved or confirmed by the council or trustees, and said notice shall describe the property and the objections of such appellant to such assessment, and such appellant shall also file with the clerk of the district court aforesaid within twenty (20) days from the approval and confirmation of such roll by the council or trustees, a copy of said notice, appeal, assessment or re-assessment roll and proceedings thereon, certified by the clerk of such city or village, together with a bond to such city or village, conditioned to pay all costs that may be awarded against the appellant in such sum, not less than two hundred ($200) dollars and with such security as shall be approved by the judge of said court, and the case shall be docketed by the clerk of such court in the name of the person taking

the appeal against said city or village as, "An appeal from assessments." Said cause shall then be at issue, and shall have precedence over all civil cases pending in said court, except proceedings under the act relating to eminent domain by cities and towns, and actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes, except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant, from which judgment an appeal shall lie to the Supreme Court, as in other causes. In case the assessment is confirmed, the fees of the clerk of the city or village for copies of the record shall be taxed against appellant with other costs.

10. All such assessments shall be known as "Special assessments for improvements" and shall be levied and collected as a separate tax in addition to the taxes for general revenue purposes to be placed on the tax roll for collection, subject to the same penalties, and collected in the same manner as other city or village taxes.

11. Whenever the mayor and council, or trustees, of any city or village shall, under authority vested in them by any law of this State and the charter of such city or village, cause any street, avenue or alley in such city to be graded, curbed, graveled, paved, repaired or macadamized, or any other local improvements, the expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the costs and expenses thereof by installments, instead of levying the entire tax or special assessment for such costs at one time, and for such installments they may issue in the name of such city or village, improvement bonds of the district, which shall include the adjoining, contiguous and approximate property liable to assessment for such local improvement, according to the city or village charter, payable in installments of equal amounts each year; none of which bonds nor any of the installments shall run longer than five years, nor bear interest exceeding eight per centum per annum.

Such bonds may be issued to the contractor constructing the improvement in payment thereof, or the mayor and council, or trustees, by charter and ordinance of said city or village, or other authorized officer or officers of said

city or village, may sell the same at not less than their par value, net, and pay the proceeds thereof to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work or improvement, except that the installment coupons shall include the interest on such installments to the maturity thereof. The bonds shall be of such denominations as the mayor and council, or trustees, shall deem proper. When district bonds are issued under this act for improvements, the cost of which is by law charged by special assessment against specific property, the mayor and council, or trustees, or other authorized officer, board or body shall levy special assessments each year sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessment to be levied against each piece of property liable therefor, interest thereon at a rate not exceeding eight per centum per annum from the date of the issuance of said bonds until maturity of the installments of bonds next thereafter maturing. Such assessment shall be made upon the property chargeable for the cost of such improvements, respectively, and shall be levied and collected in the same manner as may be provided by law, and the charter and ordinance of such city for the levy and collection of special assessments for such improvements where no bonds are issued, except as otherwise provided by this act. But the basis of such assessment, whether upon assessed valuation, frontage, or otherwise liable for such costs, shall be retained for the assessment of succeeding installments of said bonds. The owner of any piece of property liable for any special assessment, may redeem his property from such liability by paying the entire assessment chargeable against his property (upon the city clerk mailing him a written or printed notice) thirty days before the issuance of the bonds, or after the issuance of the bonds, by paying all the installments of the assessments which have been levied and also the amount of unlevied installments with interest on the latter at the rate of eight per centum per annum from the date of the issuance of the rate bonds to the time of maturity of the last installment. In all cases where installments of the assessments not yet levied and paid as above provided, whether before or after the issuance of the bonds, the same shall be paid to the city treasurer, who shall receipt

therefor, and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds issued therefor.

Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable for further special assessments for the cost of such improvement, except as hereinafter provided. No suit to set aside the special assessment, or to enjoin the making of the same shall be brought, nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained and confirmed by the council or trustees. The funds raised by such assessment shall be applied solely towards the redemption of said bonds.

12. Such bonds, when issued to the contractor constructing the improvement in payment thereof, or when sold as above provided, shall transfer to the contractor or other owner or holder, all the right and interest of such city or village in and with respect to every such assessment, and the lien thereby created against the property of such owner assessed as shall not have availed themselves of the provisions of this act in regard to the redemption of their property as aforesaid, shall authorize said contractor and his assigns, and the owners and holders of said bonds to receive, sue for and collect or have collected, every such assessment embraced in any such bond by or through any of the methods provided by law for the collection of assessments for local improvements. And if the city shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any of such bonds may proceed, in his own name, to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover, in addition to the amount of such bonds and interest thereon, five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement may join as plaintiff, and any number of owners of the property on which the same are a lien, may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds, without priority of one over an-

other to the extent of the several assessments against the several lots and parcels of land.

13. In all cases of special assessments for local improvements of any kind against any property, persons or corporations whatsoever, wherein said assessments have failed to be valid in whole or in part for want of form or sufficiency, informaility or irregularity or non-conformance with charter provisions of laws governing such assessments, the city council or trustees, or other authorized board or body, shall be and they are hereby authorized to re-assess such special taxes or assessments and to enforce their collection in accordance with the provisions of laws existing at the time the re-assessment is made; and it is further *Provided*, That whenever, for any cause, mistake or inadvertance, the amount assessed shall not be sufficient to pay for such improvement, such re-assessment to be owners of property in the local assessment district where the same is made, then it shall be lawful, and the city council or trustees, or other authorized board or body, is hereby directed and authorized to make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

14. Nothing shall be construed as repealing or modifying any existing manner and method for cities of the first class, or those organized under special or local laws, to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority. Any city whose charter provides for the issuance of bonds for local improvements, payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and with the effect provided in this section, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

15. The holder of any bond issued under the authority of this act shall have no claim therefor against the city or village by which the same is issued, in any event, except from collections of the special assessment made for the improvement for which said bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessment. A copy of this sub-di-

vision shall be plainly written, printed, or engraved on the face of each bond so issued.

Seventh. Raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city or village, and to regulate the same by ordinance. All such taxes shall be uniform in respect to the classes upon which they are imposed: *Provided, however,* That all scientific and literary lectures and entertainments shall be exempt from such taxation.

Eighth. License, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amounts to be paid for such license: *Provided,* That the city council of board of trustees may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further,* That in granting licenses such corporate authority shall comply with whatever general laws of the State may be in force relative to granting licenses.

Ninth. Impose a license tax not less than three nor more than ten dollars upon the owners and harborers of dogs, and enforce the same by appropriate penalties, and to authorize the destruction of any dog, the owner or harborer of which shall neglect or refuse to pay such license tax: *Provided,* That no such license shall authorize the keeping, owning or harboring of more than one dog.

Tenth. Appoint judges and clerks of all elections, and prescribe the manner of conducting the same and the return thereof, and of holding special elections for any purpose provided by law.

Eleventh. Make all such ordinances, by-laws, rules, regulations, resolutions, not inconsistent with the laws of the State, as may be expedient, in addition to the special powers in this charter granted, maintaining the peace, good government and welfare of the corporation and its trade, commerce, manufactures, and to enforce all ordinances by inflicting fines or penalties for the breach thereof, not exceeding one hundred dollars for any one offense, recoverable with costs, and in default of payment, to provide for confinement in prison or jail, and at hard labor

upon the streets or elsewhere for the benefit of the city or village.

Twelfth. Regulate and prescribe powers and duties, and compensation of officers not herein provided for, and to require of all officers and servants elected or appointed bonds and security for the faithful performance of their duties.

Thirteenth. Make contracts with, and authorize any person, company or association, to erect gas works and give such persons, companies or associations the exclusive privilege for furnishing gas to light the streets, lanes and alleys, for any length of time not exceeding five years.

Fourteenth. Establish, alter and change the channels of water courses, and to wall them and cover them over, to establish, make and regulate public wells, cisterns, windmills, acqueducts and reservoirs of water and to provide for the filling of the same.

Fifteenth. Regulate the running at large of cattle, hogs, horses, mules, sheep, goats, dogs and other animals and to cause such as may be running at large to be empounded and sold to discharge the costs and penalties provided for the violation of such prohibition, and the expense of empounding and keeping the same, and of such sale.

Sixteenth. Provide for the erection of all needful pens and pounds, within or without the city limits, and to appoint and compensate keepers thereof and to establish and enforce rules governing the same.

Seventeenth. Regulate the construction of and order the suppression and cleaning of fire places, chimneys, stoves, stove pipes, ovens, boilers, kettles, forges, or any apparatus used in any building manufactory or business, which may be dangerous in causing or promoting fires, and to prescribe limits in which no dangerous or obnoxious and offensive business may be carried on.

Eighteenth. Prescribe and alter the limits within which no building shall be constructed except of brick, stone or other incombustible material, with fire proof roof, and after such limits are established, no special permits shall be given for the erection of buildings of combustible material within said limits.

Nineteenth. Regulate levees, depots, depot grounds, and places for storing freight and goods, and to provide for and

regulate the passage of railways through streets and public grounds of the city or village.

Twentieth. Regulate the crossings of railway tracks, and to provide precautions and prescribe rules regulating the same; and to regulate the running of railway engines, cars or trucks within the limits of said city or village, and prescribe rules relating thereto, and to govern the speed thereof, and to make any other and further provisions, rules, and restrictions to prevent accidents at crossings, and on the tracks of railways and to prevent fires from engines.

Twenty-first. Establish standard weights and measures, and regulate the weights and measures to be used in the city or village, and to regulate the weighing and measuring of every commodity sold in the city or village, in all cases not otherwise provided by law.

Twenty-second. Provide for the inspection of hay, grain and coal, the measuring of wood and fuel to be used in the city or village and to determine the place or places of the same and to regulate and prescribe the place or places of exposing for sale hay, coal and wood, to fix the fees and duties of persons authorized to perform the duties named in this sub-division.

Twenty-third. Remove all obstructions from the sidewalks, curbstones, gutters, and cross-walks at the expense of the person placing them there, or of the city or village, and to require and regulate the planting and protection of shade trees in the streets, the building of bulk heads, cellar and basement ways, stairways, railways, window and door ways, awnings, hitching posts and rails, lamp posts, awning posts, and all other structures projecting upon or over and adjoining, all other excavations through or under the sidewalks in said city or village.

Twenty-fourth. Prevent and restrain riots, routs, noises, disturbances, or disorderly assemblies; to regulate, punish and prevent the discharge of fire arms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, alleys, or about or in the vicinity of any building; to regulate, prevent and punish the carrying of concealed weapons; to arrest, regulate, punish, fine or set at work on the streets or elsewhere, all vagrants and persons found without visible means of support or some legitimate business.

Twenty-fifth. Prevent and remove all encroachments upon and into all sidewalks, streets, avenues, alleys or other city or village property, and to punish and prevent all horse racing, fast driving or riding in the streets, highways, alleys, bridges, or places in the city or village, and all games, practices or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving and passing of horses, mules, oxen, cattle or other teams, or any vehicle drawn thereby over, upon, or across sidewalks or along any street of the city or village.

Twenty-sixth. Open, widen, or otherwise improve or vacate any street, avenue, alley or lane, in the limits of the city or village; and also to create, open and improve any new street, avenue, alley or lane: *Provided,* That all damages, sustained by the citizens of the city or village or of the owners of property therein shall be ascertained in such manner as shall be provided by ordinance: *Provided further,* That whenever any street, avenue, alley or lane, shall be vacated, the same shall revert to the owner of the adjacent real estate, one-half on each side thereof.

Twenty-seventh. Create, open, widen or extend any street, avenue, alley or lane, or annul, vacate, or discontinue same, whenever deemed expedient for the public good and to take private property for public use, or for the purpose of giving right-of-way or other privileges to any railroad company, or for the purpose of erecting or establishing market houses or market places, or for any other necessary public purpose: *Provided, however,* That in all cases, the city or village shall make the person or persons whose property shall be taken or injured thereby, adequate compensation therefor, to be determined by the assessment of five disinterested holders who shall be elected and compensated as may be prescribed by ordinance, and who shall, in the discharge of their duties, act under oath faithfully and impartially to make the assessment to be submitted.

Twenty-eighth. Borrow money on the credit of the city and pledge the credit, revenue and public property of the city for the payment thereof, when authorized in the manner hereinafter provided; and to evidence the same by the issuance of bonds, with proper interest coupons attached thereto.

Twenty-ninth. All ordinances shall be passed pursuant

to such rules and regulations not inconsistent with the general laws relating thereto, as the council or board of trustees may provide; and all such ordinances may be proved by the certificate of the clerk under the seal of the city or village, and, when printed or published in book or pamphlet form by authority of the city or village, shall be read and received in evidence in all courts and places without further proof.

Thirtieth. The council or trustees shall cause to be published semi-annually, a statement of the receipts of the corporation and sources thereof, and an itemized account of expenditures, with a statement of the financial condition of the city or village.

Thirty-first. Purchase, hold and pay for, in the manner herein provided, all necessary lands for the purpose of the burial of the dead and for hospitals, water works, and public parks.

Thirty-second. Survey, plat, map, grade, fence, ornament and otherwise improve all burial and cemetery grounds and public parks and avenues leading thereto, owned by said city or village; to construct walks and protect ornamental trees therein and provide for paying the expenses thereof.

Thirty-third. Convey cemetery lots by certificate signed by the mayor or chairman and countersigned by the clerk, under the seal of the city or village, specifying that the person to whom the same is issued, is the owner of the lot or lots described therein by number, as laid down on such map or plat, for the purpose of interment, and such certificate shall vest in the proprietor, his or her heirs or assigns, a right in fee simple to such lots for the sole purpose of interment, under the regulations of the city council, or board of trustees, and such certificate shall be entitled to be recorded in the office of the county recorder of the proper county, without further acknowledgment, and such description of lots shall be deemed and recognized as a sufficient description thereof.

Thirty-fourth. Limit the number of cemetery lots which shall be owned by the same person at the same time; to prescribe rules for enclosing, adorning and erecting monuments and tomb stones on cemetery lots; to prohibit any diversion of the use of such lots, and any improper adornment thereof; but no religious test shall be made as to

the ownership of the lots, the burial therein, or the ornamentation of graves or of such lots.

Thirty-fifth. Pass rules and ordinances imposing penalties and fines not exceeding one hundred dollars, regulating, protecting and governing such parks and cemeteries, the owners of lots therein, and visitors and trespassers therein, and the officers of such city or village, shall have as full jurisdiction and power in the enforcing of such rules as though they related to the corporation itself.

Thirty-sixth. Acquire, by purchase or otherwise, water works or plants and illuminating plants, and to supply the municipality and the inhabitants thereof with water and light, and to charge private persons and corporations for water and light, or either, but all such charges or rates shall be reasonable and shall be uniform and equal to all alike, and based upon the service supplied, proportionately, without discrimination in favor of, or against any person or persons whomsoever.

SEC. 2. All acts and parts of acts in conflict herewith are hereby repealed, and whereas, an emergency exists therefor, this act shall be in force and effect from and after its passage.

Approved the 10th day of March, 1903.

SENATE BILL NO. 92.

AN ACT

MAKING DISPOSITION OF CERTAIN MONEYS IN THE HANDS OF THE SECRETARY OF THE BOARD OF TRUSTEES OF THE LEWISTON STATE NORMAL SCHOOL AND CREATING A FUND FOR THE MAINTENANCE OF THE LIBRARY OF SAID INSTITUTION.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of four hundred seventy-one dollars and twenty-five cents now in the hands of the Secretary of the Board of Trustees of the Lewiston State Normal School as the proceeds of the sale of chairs not needed by said institution and the proceeds of tuition fees received from pupils of said institution from other States and Territories, is hereby directed to be paid into the State Treasury and the same shall constitute with tuition fees of nonresidents which may be hereafter received. A fund to be used for the increase and maintenance of the library of said Lewiston State Normal School.

SEC. 2. All payments of tuition fees by pupils in said Lewiston State Normal School from other States and Territories shall be paid to the State Treasurer and be placed in the special fund provided for in the preceding section, and the State Auditor shall draw warrants on said fund on the certificate of the secretary of the board of trustees of said Lewiston State Normal School countersigned by the president of said board.

SEC. 3. Whereas an emergency exists this act shall take effect and be in force from and after its passage.

Approved the 4th. day of March, 1903.

SENATE BILL NO. 94.

AN ACT

MAKING IT A MISDEMEANOR TO LEAVE GATES OPEN, OR TO CUT OR OTHERWISE INJURE FENCES.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It shall be a misdemeanor for any person to open and leave open any gate not belonging to such person or rightfully under his control, or to cut, break, tear down, or otherwise injure any fence or wall or any obstruction used for a fence not belonging to such person or rightfully under his control.

SEC. 2. Whereas an emergency exists, this act shall take effect and be in full force from and after its passage.

Approved on the 10th day of March, 1903.

SENATE BILL NO. 95.

AN ACT

MAKING DISPOSITION OF CERTAIN MONEYS IN THE "BOND DEFICIENCY FUND 1901" OF THE STATE TREASURY AND TRANSFERRING THE SAME TO THE MAINTENANCE FUND OF THE ALBION STATE NORMAL SCHOOL.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of one thousand seven hundred and twelve dollars and forty-nine cents now being in the "Bond Deficiency Fund 1901" in the State Treasury, and being that portion of the moneys in said fund appropriated and intended for the payment of the following unpaid claims of 1895-6, to wit:

F. A. Swanger, two hundred twelve dollars forty-nine cents, N. L. Woodbury, three hundred seventy-five dollars; J. A. Kountz, three hundred seventy-five dollars; W. L.

Riggs and T. M. Motler, three hundred seventy-five dollars, be, and the same is hereby transferred to the maintenance fund of the Albion State Normal School and is hereby appropriated and made available for the support and maintenance of said school, the same as other moneys in said fund.

SEC. 2. Whereas an emergency exists, this act shall take effect and be in force from and after its passage.

Approved on the 9th day of March, 1903.

SENATE BILL NO. 96.

AN ACT

REQUIRING COUNTY RECORDERS TO NUMBER ALL INSTRUMENTS, PAPERS OR NOTICES DEPOSITED FOR RECORD AND TO ENTER THE SAME IN A BOOK TO BE KNOWN AS THE RECEPTION BOOK, TO BE PROVIDED BY THE BOARD OF COMMISSIONERS; PRESCRIBING THE MANNER OF MAKING SUCH ENTRY; PROVIDING FOR THE AUTHENTICATION OF PUBLIC RECORDS; AND PRESCRIBING PENALTIES FOR FAILURE TO COMPLY HEREWITH.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. It is hereby made the duty of each county recorder in this State when any instrument, paper or notice authorized by law to be recorded is deposited in the recorder's office for record, immediately to write or stamp thereon an instrument number, and the numbers so stamped shall be consecutive in the order of filing, commencing with number one in each county and following in the order of the filing of the various instruments, papers or notices, and priority of number shall be prima facie evidence of priority of filing: *Provided,* That, when such recorder shall receive by mail or other like inclosure more than one instrument, paper or notice at a time, he shall affix such numbers in the consecutive order in which said instruments, papers or notices actually came to his hand on opening, save that when more than one instrument, paper or notice is received from the same source at the same time, he may follow such directions as the sender may give in relation to such numbering.

SEC. 2. There shall be provided by the county commissioners of each county, in the same manner that other record books are provided, a book for use in the office of the recorder to be known as the reception book, in which shall be entered immediately after numbering all instruments,

papers or notices authorized by law to be recorded. Such book shall be ruled in parallel columns and in the first column at the left hand side of the page, shall be entered the instrument number; in the second column, the day, hour and minute of filing; in the third column, the grantor, or person executing the instrument; in the fourth column, the grantee, or person to whom the instrument is executed, if there be such; in the fifth column, the character of the instrument; in the sixth column, the book and page where recorded; in the seventh column a brief description of the property, if any, described therein; and in the last column at the right, the name of the person to whom delivered; and such book shall be a part of the public records of such office and open to public inspection during office hours.

SEC. 3. When any such instrument, paper or notice is numbered and entered in the reception book and indexed, it shall be recorded, or filed, as now provided by law; and it shall be the duty of the recorder to write or stamp, or cause to be written or stamped, at the beginning of the record thereof, if recorded, the words "Instrument number" and add thereto the number stamped or written on such instrument, paper or notice, and to add immediately after the record thereof, a certificate setting forth the exact time of the reception of such instrument, paper or notice, giving the day, hour and minute as set out in the original notation of filing made by him upon the instrument, paper or notice itself, and the name of the person at whose request it is recorded, which record and certificate he shall authenticate with his official signature, but for which certificate and authentification he shall not be authorized or permitted to collect a fee.

SEC. 4. If any recorder neglects or refuses or fails to record any instrument, paper or notice authorized by law to be recorded, in the manner herein provided for, he shall be liable to the party aggrieved for three times the amount of the damages which may be occasioned thereby, and for each such neglect or failure or refusal, whether damages are recovered by an aggrieved party or not, he shall pay into the general school fund of his county the sum of fifty ($50.00) dollars, which may be recovered by an action which it is the duty of the county attorney to prosecute.

All penalties provided by this section shall be recoverable from the recorder upon his official bond.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved on the 10th day of March, 1903.

SENATE BILL NO. 98.

AN ACT

TO AMEND SECTION 42 and 84 OF AN ACT ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS" APPROVED ON THE 6TH. DAY OF FEBRUARY 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42 of the above entitled act be amended to read as follows:

Section 42. The regular election for electing members of the board of school trustees shall be held annually in each district on the first Monday in June at which time it shall be lawful to transact any business pertaining to schools and school interests. The clerk of said board of trustees shall cause printed or written, notices to be posted specifying the time and place of holding such election and the time during which the ballot box shall be kept open, not less, however than three hours, and further specifying at what hour other business shall be transacted. Said notices shall be posted in three public places in the district, one of which shall be the school house, if there be one, at least ten days previous to such time of election.

If the clerk fail to give such notice, then any two legal voters residing in the district may give such notice over their own names, and such election may be held after the day fixed in this act for such election. All elections shall be by ballot, the polls shall be opened by one of the board of trustees, or by any qualified elector if no trustee be present at the time specified in the notice. If no time is specified in the notice then the polls shall be opened at one o'clock p. m. and closed at 5 o'clock p. m. of the same day. Said election shall be conducted as any other county elections, except that one judge and one clerk may constitute a board of election, and any trustee may administer the oath to said judge and clerk. Said judge and clerk shall make return of such election to the county superintendent immediately, which return shall be filed in the office of the county superintendent: *Provided further,* That it shall be lawful at such annual meeting and election on said first Monday in June to vote upon the question of whether or not any

special tax shall be levied for any purpose, such as building or repairing school houses, or for the support of public schools in the district, said meeting may first decide the rate to be levied, not to exceed fifteen mills on the dollar of taxable property, then proceed to ballot, on which ballot shall be written or printed: "Tax Yes" or "Tax No" and none but actual resident free holders or heads of families of said districts shall vote at such election. A separate ballot box shall be used for voting on any question of taxation or other business concerning schools and school interests from that used in voting for trustees. If a majority of the votes polled at such election are in favor of a tax, the board of trustees must immediately make such levy and certify the fact, the date thereof and the rate of tax levied, the year for which levied and the number of the district to the clerk of the board of county commissioners and the county assessor, but not more than one such special tax can be levied in any one year.

SEC. 2. That Section 84 of said act be amended to read as follows:

Section 84. The board of trustees of said district must have power to and it is their duty:

First. To make such by-laws for their own government and for the government of the schools of the district as they may deem expedient, not inconsistent with the provisions of this chapter.

Second. To employ or discharge teachers, mechanics and laborers, and to fix, allow and order paid their salaries and compensation, and to determine the rates of tuition for non-resident pupils.

Third. To levy a special tax if necessary, which, when added to moneys apportioned by the county superintendent of schools, will be sufficient to provide funds for the maintenance of the schools for nine months in each year: the special taxes levied by said board of trustees for the payment of interest on bonds and sinking fund, for payment of bonds at maturity, together with the levy for the maintenance of schools, shall not exceed fifteen mills on the dollar:

Fourth. To provide furniture, fixtures and apparatus, and for everything needed in the school house or for the use of the board.

Fifth. To rent, repair and insure school houses and

property and preserve the same for the benefit of the schools of the district.

Sixth. To build or remove school houses and buildings and to purchase or sell school lots.

Seventh. To expel pupils from school who refuse to obey the rules thereof, and to exclude from school children under six years of age.

Eighth. To determine the number and qualifications of teachers who shall be employed and the length of time the school shall be kept, to fix the time for opening or closing of school and for the dismissal of primary pupils before the regular time of closing schools.

Ninth. To require pupils to be furnished with proper and suitable books as a condition of membership in the schools.

Tenth. To exclude from the schools and school libraries of said district all books, papers, and catechisms of a sectarian nature.

Eleventh. To require teachers to conform to the law and regulation of the board.

Twelfth. To protect the morals and health of the pupils while at school.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval by the Governor, an emergency existing therefor.

Approved the 6th. day of March, 1903.

SENATE BILL NO. 99.

AN ACT

TO AMEND SECTION TWENTY-FOUR OF AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION, GOVERNMENT AND POWERS OF CITIES AND VILLAGES, APPROVED FEBRUARY 10TH 1899.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Section Twenty-four of an act entitled "An act to provide for the organization, government and powers of cities and villages approved February 10th 1899, be and the same is hereby amended to read as follows:

Section 24. That one-half of all moneys which are collected within the limits of any incorporated city, town or village organized or operating under the provisions of this act as amended, or the original act of which this act is

amendatory, for liquor licenses, or from fines or penalties under the ordinances of said city, town or village, must be paid into the city, town or village treasury for general revenue purposes, and one-half into the treasury of the school district or districts if more than one, equally, embraced in whole or in part of the same territory as said city, town or village.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage and approval.

Approved on the 9th day of March, 1903.

SENATE BILL NO. 100.

AN ACT

PROVIDING FOR THE DISTRIBUTION OF MONEYS ARISING FROM FINES AND FORFEITURES COLLECTED FOR VIOLATIONS OF ANY OF THE PENAL LAWS OF THE STATE OF IDAHO.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That all moneys collected from fines and forfeitures shall be paid into the county treasury of the respective counties where so collected, and shall be set apart by the county treasurer of such county as a part of the general school funds of said county, and distributed by the county superintendent of said county in accordance with the general school laws of the State providing for the distribution of school funds.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved on the 9th day of March, 1903.

SENATE BILL NO. 110.

AN ACT

PROVIDING FOR ISSUANCE OF STATE BONDS FOR THE ERECTION AND EQUIPMENT OF AN ARMORY AND GYMNASIUM, THE EQUIPMENT OF THE MECHANICAL AND ELECTRICAL ENGINEERING, THE EQUIPMENT OF THE DEPARTMENT OF DOMESTIC SCIENCE AND FOR THE PROVISION OF A WATER SUPPLY; AND PROVIDING HOW SUCH BONDS SHALL BE ISSUED AND HOW THE PROCEEDS OF THE SALES OF SUCH BONDS SHALL BE EXPENDED.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of providing money for the erection and equipment of an armory and gymnasium, the equipment of the department of mechanical and electrical engineering, the equipment of the department of domestic science and for the provision of a water supply at the University of the State of Idaho a loan of forty-three thousand ($43,000) dollars is hereby authorized to be negotiated by a board consisting of the Governor, Treasurer, Secretary of State and Attorney General of the State of Idaho on the faith and credit of the State of Idaho and secured by the interest on the moneys accruing from the sales of land and timber belonging to the agricultural college and the State university.

SEC. 2. The Treasurer of the State is hereby authorized, empowered and directed, immediately on the passage of this act, to issue forty-three (43) bonds of the State of Idaho to be known as Idaho improvement bonds in the sum of one thousand ($1,000.00) dollars each, payable in twenty years (20) from the date of their issuance, to bear interest at the rate of four (4) per cent per annum, payable semi-annually on the first day of January and July of each year at the office of the State Treasurer of the State of Idaho: *Provided,* That the State Board of Land Commissioners and the board of regents of the State University are hereby authorized and instructed to invest any and all moneys from the sale or lease of any or all lands appropriated to the various institutions of the State in the bonds, authorized by this act, at their par value; the remainder of the issue to be sold to the highest responsible bidder. The bonds, whose issuance is provided for in this act, shall be redeemable at the option of the State of Idaho at any time after the expiration of ten (10) years from the date of their issuance. The funds derived from the sale of said bonds, shall be appropriated as follows: Twenty-five thousand ($25,000) dollars for the erection and equipment of an armory and gymnasium, which shall be conveniently near to the Administration Building of the State University of Idaho; eighteen thousand ($18,000) dollars for the equipment of the department of mechanical and electrical engineering, the equipment of the department of domestic science and for the provision of a water supply.

SEC. 3. The State Treasurer is hereby authorized, empowered and directed to be caused to be—printed or lithographed suitable bonds in proper form, with coupons attached, the purpose of this act.

All bonds shall be signed by the Secretary of State with his own proper name affixing his official character, and shall be authenticated by the great seal of the State and shall be also signed, or endorsed, by the Governor of the State with his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor, who shall make and keep a register of such bonds showing the number and amount of each bond and then deliver the said bond to the State Treasurer, and charge the State Treasurer on the books of the Auditor's office with the full amount of such bonds.

SEC. 4. At the time of issuing of said bonds, under the provisions of this act, the State Treasurer shall sign them with his own proper name affixing his official character, and shall, in like manner, sign the coupons thereunto attached, and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bond in such manner that they may be taken off without injuring or mutilating the bond and shall be severally numbered from one (1) to forty-three (43) inclusive, each bearing the corresponding number of the bond to which it is attached.

The Treasurer shall keep a register of all the bonds issued by him, showing date of issuance, and shall deliver said bonds, with the coupons attached, as aforesaid, to the purchaser or purchasers upon the receipt of the purchase money therefor; and the money received from the sale of said bond, shall be by the Treasurer placed in certain funds hereinafter named. None of said bonds shall, however, be sold for less than their face or par value. The expense of printing or lithographing and procuring said bonds, with coupons attached, shall be paid out of the funds arising from the sale of the bonds.

SEC. 5. For the purpose of securing the payment of the principal of the bond numbered one (1) to forty-three (43) inclusive, provided for in this act, the interest on the proceeds of the sale of all the lands or of timber growing thereon, granted to the State of Idaho by the United States for the support and maintenance of a State University and

for the support and maintenance of the agricultural college, are hereby set apart to a distinct fund to be known as the university armory and gymnasium building fund; and after the payment of said principal of said bond of this act, then the interest on the proceeds of the sales of said land or timber shall be paid into the general fund in the State Treasury until the amount, equal to the total amount of interest that has heretofore been paid out of said general fund on said bonds, issued under the provisions of this act, less the amount of interest that may have been paid into the said general fund from the investment of university armory and gymnasium building sinking fund money in State warrants as hereinafter provided, has so been paid into the general fund. When the principal of said bond shall have been fully paid, and the general fund of the State reimbursed for the interest on said bond provided for in this act, then, and thereafter, the interest on the proceeds of the sale of said land, and timber shall be disposed of as may be provided by law.

SEC. 6. At any time when money to the amount of one thousand ($1,000) dollars or more has accrued in said sinking fund, it is hereby made the duty of the State Treasurer to invest such money in registered State warrants only, and to hold such warrants until they are redeemed as a part of said sinking fund, and whenever State warrants so held by the Treasurer are paid, the Treasurer shall certify the amount of interest that may have accrued thereon, to the State Auditor, and the amount of such interest shall thereupon be placed to the credit of, and become a part of the general fund of the State, and the amount of the principal of said sinking fund invested in such warrants shall, upon the redemption of said warrants be returned to said sinking fund, to be reinvested in the same manner: *Provided*, That the principal of said sinking fund shall be required for the redemption of the bond called as provided for in this act.

SEC. 7. For the prompt payment of the interest that may accrue upon said bond, there is hereby appropriated for each year, out of any moneys in the State Treasury not otherwise appropriated, an amount equal to the amount of said interest on said bonds as the same may become due, and for the payment of such interest, when due. The Treasurer of the State shall reserve any and sufficient of

the funds in his hands in preference to all other claims whatsoever, excepting interest on the bonds of the State heretofore issued pursuant to law.

SEC. 8. When money arising from the sale of said bonds is received by the State Treasurer, he shall notify the State Auditor of the amount of money so received, and the State Auditor shall thereupon credit the Treasurer's account with the amount of bonds sold.

SEC. 9. That the bonds issued under the provisions of this act shall be issued, and shall be in addition to, the bonds heretofore authorized by an act of the Legislature of the State of Idaho, passed and approved the 14th day of March, 1901, entitled "An act providing for the issuance of State bonds for the erection of a school of science hall, and for the erection of a girl's dormitory and the furnishing thereof and prescribing how such bond shall be issued, and how the proceeds of the sale of such bonds shall be expended.

SEC. 10. An emergency existing therefor, this act shall take effect and be in force from and after its passage.

Approved on the 16th day of March, 1903.

SENATE BILL NO. 112.

AN ACT

TO AMEND SECTIONS TWO AND SIX OF AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE BOISE CITY IN ADA COUNTY" (APPROVED JANUARY 11TH 1866) AND TO AMEND AN ACT ENTITLED AN ACT TO AMEND SECTIONS 3, 5 AND 9 OF AN ACT INCORPORATING THE CITY OF BOISE APPROVED JANUARY 11TH, 1866. BEING SECTIONS 130, 132 AND 138 OF THE SPECIAL AND LOCAL LAWS OF IDAHO," (APPROVED FEBRUARY 21ST, 1899,) AND THEREBY PRESCRIBE AND DEFINE THE POWERS AND DUTIES OF CERTAIN OFFICERS OF SAID CITY, AND TO PROVIDE FOR THE ASSESSING AND COLLECTING OF CITY TAXES BY THE COUNTY ASSESSOR AND TAX COLLECTOR OF ADA COUNTY IDAHO, (APPROVED MARCH 4 1901) EXTENDING AND DEFINING THE BOUNDARIES OF BOISE CITY, AND PROVIDING FOR THE CREATION AND ORGANIZATION OF THE FOURTH WARD OF BOISE CITY, AND FOR HOLDING A SPECIAL ELECTION THEREIN.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Sections two (2) and Six (6) of an act entitled "An act to amend an act entitled" an act to incorporate Boise City in Ada County," (approved January 11th 1866) and to amend an act entitled, an act to amend Sec-

tions 3, 5, and 9 of an act incorporating the City of Boise approved January 11th, 1866, being Sections 130, 132 and 138 of the special and local laws of Idaho," (approved February 21st 1899) and hereby prescribe and define the powers and duties of certain officers of said city, and to provide for the assessing and collecting of city taxes by the county assessor and tax collector of Ada county, Idaho," (approved March 14 1901) be and the same are hereby amended to read as follows:

Section 2. The boundaries of Boise City shall hereafter be as follows: Beginning at a point where the section line between sections thirteen (13) and fourteen (14) township three (3), north range two (2) east of the Boise Meridian leaves the north side of Boise river; thence north on said section line to a point one thousand three hundred and eighty-three and fifty-six-hundredths 1383 56-100 feet south from the section corner of section eleven (11), twelve (12), thirteen (13) and fourteen (14) township three (3) north range two (2) east of the Boise Meridian; thence west eight hundred and eighty-one and eight-tenths 881 8-10 feet; thence north fifty-seven (57) degrees, west one hundred and seventy-three and five-tenths 173 5-10 feet; thence north forty-two (42) degrees and thirty (30) minutes, east eight hundred and forty-four (844) feet; thence north thirty (30) degrees and thirty (30) minutes east three hundred and ninety-four and sixty-eights-hundredths (394 68-100) feet, to the center of Warm Springs avenue; thence south fifty-nine degrees (59) and twenty-four (24) minutes, east three hundred and twenty-one and forty-two-hundredths 321 42-100 feet on the center line of Warm Springs avenue to the line between said sections thirteen (13) and fourteen (14) township three (3) north range two (2) east; thence north on the line between sections thirteen (13) and fourteen (14) and sections eleven (11) and twelve (12) in said township and range to the quarter section corner between sections eleven (11) and twelve (12); thence west to the center of section eleven (11); thence north on the north and south center line of section eleven (11) to the line of the Fort Boise Reservation; thence southwesterly along the southeasterly line of said reservation to the southeasterly corner of said reservation; thence northwesterly to the northwest corner of said reservation; thence north seventy (70) degrees east along said

reservation line to a point where the east line of the northwest quarter of the southwest quarter of section two (2) township three (3) north range two east intersects said line; thence north on said east line of said N. W. 1-4 of S. W. 1-4 section (2) township three (3) N. range two (2) E. to the east and west center line of said section two (2); thence west on said east and west center line to the quarter section corner on the line between sections two (2) and three (3) township three (3) north range two (2) east; thence due north on said section line between sections 2 and 3 to the township line between townships 3 and 4 north, range two east; thence westerly along said township line to a point where the line between sections 3 and 4 of township three (3) N. range two (2) east intersects the same; thence south, following said line between sections 3 and 4 to the quarter section corner or the line between sections three (3) and four (4) township three (3) north range two (2) east of the Boise Meridian; thence west to the center of section four; thence south on the north and south center line of sections four and nine to where said center line intersects the north bank of the north channel of the Boise river; thence following said north bank southerly and easterly to the point where the section line between said sections thirteen (13) and fourteen (14) leaves the same and place of beginning."

SEC. 6. For the purpose of municipal representation, Boise City is hereby divided into four wards designated and bounded as follows to wit:

Ward No. 1—Which includes all that portion of Boise City lying east of Ninth street, south of Hays street, west of Second street and Fort Boise Military Reserve and north of the Boise river.

Ward No. 2—Which includes all that portion of Boise City bounded on the north by the south line of Hays street, on the west by the west boundary line of said city, on the east by Ninth street, and on the south by the south boundary line of said city.

Ward No. 4—Which includes all that portion of said city lying east of Second street, south of the Fort Boise Military Reserve, and north of the Boise river.

Ward No. 3—Which includes all that portion of said city not included in the First, Second and Fourth wards,

is hereby constituted and set apart and declared to be the Third ward of said city.

And the council by ordinance, may create additional wards or change the boundaries of those herein established, and may change the number thereof.

From and after the date that this act shall take effect, the persons and property in the new territory annexed to Boise City shall be subject to the same benefits and obligations and ordinances as the remainder of said city.

SEC. 3. Said ward No. 4 of said city shall be entitled to three councilmen thereof and therefrom.

SEC. 4. That within ten days after the passage of this act, the Governor of Idaho order an election to be held to elect three qualified electors residing within the said ward No. 4, to be from and after their election and qualification members of the common council of said city and shall designate the time and place and manner of such election, and appoint the judges thereof, and make such further orders designations and appointments as shall cause such election of such councilmen to be held in and for said ward No. 4 and at a time within thirty days from and after the passage of this act and shall make such appointments, designations and orders as will, by means thereof, and of such election cause such ward No. 4 to be duly and fully organized as a ward of said city within forty days from and after the passage of this act.

SEC. 5. That the persons elected as councilmen under the provisions of this act, upon taking the usual oath of office shall be members of the common council of said city until after the next city election and their said successors are elected and qualified.

SEC. 6. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage.

Approved on the 11th day of March, 1903.

SENATE BILL NO. 117.

AN ACT

TO PROVIDE FOR THE ISSUANCE OF STATE BONDS TO IMPROVE THE IDAHO STATE PENITENTIARY AND SECURE AND FURNISH WATER FOR THE SAME.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That for the purpose of improving the Idaho State penitentiary and securing and furnishing water for

the same a loan of twenty thousand ($20,000) dollars to be known as the "Idaho State Penitentiary Improvement Bonds" is hereby authorized to be negotiated by a board consisting of the Governor, Secretary of State, Treasurer, and Attorney General of the State of Idaho, on the face and credit of the State of Idaho.

Said board shall meet at the office of the Secretary of State at Boise City, Idaho, on the 28th day of March, 1903, and authorize the State Treasurer to negotiate said loan and said board shall prepare a bond in conformity with this act. A majority of said board may act.

SEC. 2. Said bonds shall be issued in sums of one thousand ($1,000) dollars each or less as may be found necessary. They shall be dated June 1st 1903, and be payable in twenty (20) years from their issuance and shall bear interest at the rate of four (4) per centum per annum, payable semi-annually on the first days of June and December of each year at a bank in the city and State of New York, to be selected by the State Treasurer, but said bonds shall be redeemable at the pleasure of the State at any time after the expiration of ten (10) years after their issuance. They shall be numbered from one (1) to twenty (20) consecutively. The State Treasurer is hereby authorized to have printed or lithographed suitable bonds in proper form with coupons attached. The bonds hereby authorized shall be signed by the Secretary of State with his own proper name, affixing his official character and shall be authenticated by the great seal of the State of Idaho, and shall also be signed by the Governor of the State with his own proper name, affixing his official character and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of said bonds, showing the number and amount of each bond and then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of said bonds.

SEC. 3. At the time of issuing said bonds the State Treasurer shall sign them with his own proper name, affixing his official character and shall in like manner sign the coupons thereunto attached and such signing shall bind the State. The coupons for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injury or mutilating the said bonds

and shall be numbered consecutively in conformity with the bond to which they are attached.

The Treasurer shall keep a register of all the bonds issued by him showing the date of issuance and shall deliver said bonds with the coupons attached to the purchaser or purchasers upon receipt of the purchase money therefor and the money received from the sale of said bonds shall be, by the Treasurer, placed in a fund to be called the "Idaho State Penitentiary Improvement Fund." None of said bonds shall be sold for less than their face or par value.

SEC. 4. Said amount of twenty thousand ($20,000) dollars shall be expended by and under the direction of the Board of State Prison Commissioners for the improvement of the Idaho State Penitentiary and securing and furnishing water for the same.

SEC. 5. Whereas an emergency exists therefor this act shall take effect and be in force from and after its passage and approval.

Approved on the 11th day of March, 1903.

SENATE BILL NO. 118.

AN ACT

GRANTING RELIEF TO R. BLEDSOE; APPROPRIATING TO R. BLEDSOE THE SUM OF ONE HUNDRED AND FIFTY-SIX DOLLARS.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That the sum of one hundred and fifty-six dollars ($156.00) be, and the same hereby is, appropriated out of the general funds in the State Treasury, not otherwise appropriated, to reimburse R. Bledsoe for curios and geological specimens loaned by him to the commissioners representing Idaho at the Pan-American Exposition, and which have been lost and not returned to him; also to reimburse R. Bledsoe for moneys expended by him, viz. ($26.00) twenty-six dollars for placing and exhibiting mining machinery at the Mining Congress in Boise in 1901.

Said geological specimens are as follows: One prehistoric finger, valued at $100; one mastodon's joint, valued at $5.00; one quartz crystals, valued at $10; one jar of opal blossom, valued at $10; one mahogany cane, valued at $5.00. said specimens were duly receipted for by the commissioner which said R. Bledsoe holds as his claim against the State.

The State Auditor is hereby authorized and directed to

draw a warrant upon the general fund in the State Treasury not otherwise appropriated in favor of said R. Bledsoe for the sum of one hundred and fifty-six dollars and to deliver the same to him.

Approved on the 9th day of March, 1903.

HOUSE JOINT MEMORIAL NO. 1.

Your memorialists, the Legislature of the State of Idaho, in regular session, do protest against the repeal of the stone and timber act and the commutation clause of the homestead act, or against the passage of any laws depriving the people of the benefit of such acts as now existent.

And your memorialists will ever pray.

The Secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

Passed the House the 20th. day of January, 1903.

Passed the Senate on the 3rd. day of February, 1903.

HOUSE JOINT MEMORIAL NO. 2.

JOINT MEMORIAL OF THE IDAHO LEGISLATURE AGAINST THE EXTENSION AND ENLARGEMENT OF THE BITTER ROOT FOREST RESERVE IN IDAHO.

SECTION 1. Be it resolved that the Idaho Legislature protest against the proposed enlargement or extension of the Bitter Root forest reserve and request our Senators and Representative in Congress to use their best endeavors to prevent such enlargement and extension for the following reasons: Said reserve as already existing takes in a very large area of the central part of this State, thus absolutely preventing the settlement and development of a tract of land almost as large as the largest county in Idaho. The proposed extension would enlarge this reserve to almost double its present area. Such proposed extension covers almost entirely the watershed of the Salmon river and its tributaries. The timber growing on this extension is almost exclusively black pine or other timber of a non-merchantable character, and is not used for lumbering purposes. Much of the proposed extension is not covered with timber at all. It embraces several valleys capable of agriculture, which under the law, if this extension is made, can never be improved or cultivated. The enlargement of this reserve would embrace the Thunder Mountain country,

and under the law, while mining locations are permitted on these reserves, yet the development of mining camps is very much hampered and retarded. Salmon River is not a stream used for irrigation, nor is it one where damage from flood waters has occurred in the past; therefore the reasons usually existing for the creation of these reserves are absent from this case. A large part of this proposed extension is almost exclusively a grazing and mining country, and under the law all live stock can be shut out of these reserves as soon as they are created. In the opinion of your Memorialists, the Idaho Legislature, the extension and enlargement of this reserve would not serve any of the beneficent purposes supposed to attach ordinarily to the creation of forest reserves, but would work irreparable harm and injury to the State of Idaho, by effectually preventing the settlement and development of this large area.

SEC. 2. For the foregoing reasons, your Memorialists, the Idaho Legislature, respectfully petition the President of the United States and the Secretary of the Interior against the enlargement and extension of the Bitter Root forest reserve as now proposed by the interior department.

SEC. 3. Resolved that a properly certified copy of this memorial be forwarded to the President of the United States, the Secretary of the Interior, the Commissioner of the General Land Office, and to the Senators and Representative of this State in the Congress of the United States.

Passed the House of Representatives on the 4th day of February, 1903.

Passed the Senate on the 17th day of February, 1903.

HOUSE JOINT MEMORIAL NO. 3.

JOINT MEMORIAL, TO THE CONGRESS OF THE UNITED STATES.

Your memorialists, the Legislature of the State of Idaho, in regular session, do petition that the Congress of the United States will make such an appropriation as will render suitable for navigation that portion of the Pend O'Rielle river lying between Albany Falls and the mouth of the Priest river.

And your memorialists will ever pray.

The Secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

Passed the House of Representatives on the 14th day of February, 1903.

Passed the Senate on the 20th day of February, 1903.

HOUSE JOINT MEMORIAL NO. 4.

To the Honorable, the Senate and House of Representatives of the United States:

Your memorialists, the Governor and Legislature of the State of Idaho, would respectfully represent:

That, in our judgment, the interests of the people of the United States demand that Congress shall enact legislation providing for more effective regulation and control of great combinations of capital commonly called "trusts." When these combinations eliminate free competition and thus deprive the people of protection against extortion, the power thus exercised becomes a menace to the public.

If there be no means of protection for the people against much oppressive exercise of power, except through governmental action; the people, through their government are justified in invoking the law wherever and whenever such protection is being withheld from them by concentration of business enterprises under a single management. We hold it to be incumbent upon Congress, in the absence of other effective methods for regulating such combinations, to enact legislation under which the government may control, or, if necessary suppress any combination or trust, which, through arbitrary exercise of power and the destruction of competition becomes oppressive to the people.

We, your memorialists therefore respectfully urge that Congress adopt the recommendations of President Roosevelt on "trusts" and enact effective legislation on this most important subject.

Passed the House of Representatives on the 25th day of February, 1903.

Passed the Senate on the 3rd day of March, 1903.

HOUSE JOINT MEMORIAL NO. 5.

CONCERNING THE ELECTION OF UNITED STATES SENATORS.

To the Senate and House of Representatives of the United States:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that the people of this State

are very strongly in favor of the election of United States Senators by a direct vote of the people, and we therefore petition your honorable bodies to submit to the States an amendment to the Constitution of the United States providing for their election in such manner.

Passed the House of Representatives on the 25th day of February, 1903.

Passed the Senate on the 3rd day of March, 1903.

HOUSE JOINT MEMORIAL NO. 6.

REGULATING THE RIGHT TO USE THE PUBLIC RANGES BETWEEN OWNERS OF SHEEP AND OTHER KINDS OF LIVE STOCK.

To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists, the Governor and the Legislature of the State of Idaho, respectfully represent that, the occupation of the public ranges for grazing purposes by the owners of different kinds of live stock, has by reason of its being impossible to retain cattle and horses on the same range whereon sheep are pastured and grazed, led in many sections of the State to numerous difficulties and serious conflicts and disputes; and believing that the best interests of all the people of the State and the protection of the ranges from over crowding as well, requires the enactment of laws regulating the right to graze upon such ranges, we respectfully urge that your honorable bodies by proper legislation determine the question as to whether the owners of sheep or other kinds of live stock, shall be permitted to range their stock upon the several townships or other subdivisions of the public ranges, by giving the right so to do, according to the priority of the use of the public ranges in such townships or other subdivisions between the owners of sheep and other kinds of live stock.

The Secretary of State is hereby requested to forward a copy of this memorial to each of our Senators and our Representatives in Congress.

Passed the House of Representatives the 27th. day of February, 1903.

Passed the Senate the 4th. day of March, 1903.

HOUSE JOINT MEMORIAL NO. 7.

To the Congress of the United States:

Your memorialists the Legislature of the State of Idaho, in regular session do petition that the Congress of the United States, will appropriate fifty thousand ($50,000.) dollars or as much thereof as will be necessary to put in a system of artesian wells upon the arid lands of Blaine County, Idaho, and respectfully call your attention to a petition signed by the citizens of Camas Prairie, Blaine County and presented to the last Congress of the United States by Senator Dubois:

Any your memorialists will ever pray:

The Secretary of the State of Idaho is hereby requested to forward this memorial to the Congress of the United States.

Passed the House of Representatives the 28th day of February, 1903.

Passed the Senate the 5th. day of March, 1903.

HOUSE JOINT MEMORIAL NO. 8.

Memorial to the Honorable Senate and House of Representatives in Congress Assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that the boundary line between the States of Idaho and Wyoming is not correctly defined and that the present boundaries of the Teton forest reserve are improperly extended into the State of Idaho a distance of something more than two miles beyond the true line of such reserve, thereby injuriously affecting the interests of numerous settlers residing upon and adjacent to the territory now included, improperly, in such forest reserve: we therefore respectfully pray that an appropriation be granted of an amount sufficient to survey and locate such boundary line and your memorialists will ever pray.

Passed the House of Representatives the 28th. day of February, 1903.

Passed the Senate the 4th. day of March, 1903.

HOUSE CONCURRENT RESOLUTION NO. 3.

TO AUTHORIZE COMMITTEE ON STATE AFFAIRS AND FEDERAL RELATIONS OF THE HOUSE OF REPRESENTATIVES AND COMMITTEE ON STATE AFFAIRS OF THE SENATE, JOINTLY, TO EMPLOY EXPERTS AND OTHER CLERICAL ASSISTANCE.

Be it resolved by the Legislature of the State of Idaho:

That the House Committee on State Affairs and Federal Relations and the Senate Committee on State Affairs, jointly, be, and they are hereby authorized, to employ such expert accountants and other clerical assistance as the business of said committee shall be deemed to require in the work of investigating the condition of the several departments, of the State government and in formulating a report thereon. Such expert accountants and clerk assistants to receive a compensation of not exceeding five ($5.00) dollars each per day for time actually employed in such work.

Passed the House of Representatives the 22nd. day of January, 1903.

Passed the Senate the 26th. day of January, 1903.

HOUSE CONCURRENT RESOLUTION NO. 4.

IN MEMORY OF IDAHO'S PATRIOTIC AND HEROIC CITIZENS WHO SACRIFICED THEIR LIVES IN THE SPANISH-AMERICAN WAR IN DEFENSE OF THEIR COUNTRY'S HONOR.

Whereas, When the President called for troops to take part in the Spanish-American war, the State of Idaho was asked to furnish two companies for said war, and through the influence of prominent citizens of the State, a regimental organization was secured, which organization was directed to embark for Manila where they achieved honor and distinction at the sacrifice of Major McConville, who, with many other patriotic and heroic Idahoans, while defending our flag and our Nation's honor, fell. Therefore, be it resolved by the House of Representatives the Senate concurring that a monument be erected on the capitol grounds at Boise City in commemoration of their memory and their distinguished service, and be it further resolved that the State Legislature, now in session, include in the appropriation bill the sum of $2,500. for the erection of such a monument. Be it further resolved that the plans, acceptance of bids, and other matters pertaining to the carrying out of the provisions of this bill, be placed in the charge, and under the supervision of the Adjutant General: *Provided,* That the bills, and accounts for expenditures, be audited and allowed by the State Board of Examiners, as otherwise provided by law.

Passed the House of Representatives the 6th. day of February, 1903.

Passed the Senate the 13th. day of February, 1903.

HOUSE CONCURRENT RESOLUTION NO. 9.

Resolved, By the House of Representatives the Senate concurring that it is with profound regret that we are informed of the death of the Hon. Mart Patrie; wherein the State has lost one of its foremost and most highly respected citizens: That the sympathy and condolence of this Legislature is extended to his bereaved family in their hour of trial and loss, and be it further

Resolved, That a copy of this resolution be forwarded to the family of the deceased.

Passed the House of Representatives on the 27th. day of February, 1903.

Passed the Senate the 27th. day of February, 1903.

HOUSE JOINT RESOLUTION NO. 3.

TO BE SUBMITTED TO THE ELECTORS OF THE STATE OF IDAHO FOR REJECTION OR APPROVAL; PROPOSING AN AMENDMENT TO SECTION 5. OF ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF IDAHO, TO PERMIT INMATES OF SOLDIERS' HOMES TO VOTE IN COUNTY WHERE SUCH HOME IS SITUATED.

Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 5, of Article 6, of the Constitution of the State of Idaho be amended to read as follows:

Section 5. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, nor while a student of any institution of learning, nor while kept at any almshouse or other asylum at the public expense, but inmates of Soldiers' Homes, shall, for purpose of voting, be deemed residents of the county where such home is situated.

SEC. 2. The question to be submitted to the electors of the State at the next general election, shall be as follows, to wit: Shall Section 5, of Article 6, of the Constitution of the State of Idaho be so amended as to make inmates of Soldiers' Homes legal voters in the county where such home is situated?

Passed the House of Representatives the 4th. day of February, 1903.

Passed the Senate the 11th. day of February, 1903.

HOUSE JOINT RESOLUTION NO. 5.

TO AMEND SECTION TEN OF ARTICLE 18 OF THE CONSTITUTION. A JOINT RESOLUTION TO SUBMIT TO THE ELECTORS OF THE STATE OF IDAHO FOR THEIR REJECTION OR APPROVAL, AN AMENDMENT TO SECTION 10 OF ARTICLE 18 OF THE CONSTITUTION OF THE STATE OF IDAHO CONFERRING CERTAIN ADDITIONAL POWERS ON THE LEGISLATURE RELATING TO THE TIME AND TERM OF ELECTING COUNTY COMMISSIONERS.

Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 10 of Article 18 of the Constitution of the State of Idaho be amended to read as follows:

Section 10. The board of county commissioners shall consist of three members, whose terms of office shall be four years one of whom shall be elected at the regular election in 1906 for a term of four years and two shall be elected at the same election for a term of two years and their successors shall be elected for a term of four years at the regular election thereafter.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election, shall be as follows, to wit: "Shall Section 10 of Article 18 of the Constitution of the State of Idaho be so amended as to permit the county commissioners to be elected for a term of four years?"

SEC. 3. The Secretary of State is hereby authorized to make publication of said constitutional amendment in each county, in one newspaper of general circulation published in the county for six consecutive weeks prior to said general election, the price of said publication not to exceed the sum of fifteen dollars for each paper.

Passed the House of Representatives on the 11th. day of February, 1903.

Passed the Senate the 28th. day of February, 1903.

SENATE JOINT MEMORIAL NO. 1.

Memorial to the Honorable Senate and House of Representatives in Congress Assembled:

We, your memorialists the Legislature of the State of Idaho, respectfully represent, that whereas the boundary line between the States of Montana and Idaho is not well defined, and whereas the opening up and development of the region adjacent makes the accurate location of the

boundary line urgent: we therefore respectfully ask that an appropriation sufficient to meet the imperative need be granted for the purpose herein set forth and your memorialists will ever pray.

Passed the Senate on the 12th day of February, 1903.

Passed the House of Representatives on the 11th day of February, 1903.

SENATE JOINT MEMORIAL NO. 2.

To the Senate and House of Representatives of the United States in Congress Assembled:

Your memorialists the Legislature of the State of Idaho, respectfully represent:

That within the County of Kootenai in the State of Idaho, about 600,000 acres of land has been set apart as a forest reserve known and assignated as the Priest River forest reserve. That within said reserve about eight thousand acres are held under the homestead act and about eight thousand acres purchased from the Northern Pacific Railway Company by divers parties.

That around and adjacent to the lands held as homesteads and by purchaser who occupy the land as homes, there is from twenty to thirty thousand acres of fine meadow lands on which there is no timber but is rich agricultural land and would be of great value to the State and county if opened to settlement affording an opportunity to thousand of homeseekers.

And we further represent that said lands are of no value as a timber reserve but as it now is of no value to any one.

We therefore pray for the opening of all the agricultural area on said timber reserve to settlement under such provisions as may be to the best interests of the government and the people.

That the Secretary of State is hereby requested to forward copies of this memorial to the Senate and House of Representatives of the United States, to Honorable Secretary of Interior and to our Representative in Congress.

Passed the Senate on the 20th day of February, 1903.

Passed the House of Representatives on the 23d day of February, 1903.

SENATE JOINT MEMORIAL NO. 3.

A MEMORIAL TO THE PRESIDENT, SECRETARY OF THE INTERIOR, AND COMMISSIONER OF THE GENERAL LAND OFFICE, AGAINST THE ESTABLISHMENT OF SAW TOOTH FOREST RESERVE, IDAHO.

To the Honorable, the President, Secretary of the Interior, and Commissioner of the General Land Office:

Your memorialists, the Governor and Legislature of the State of Idaho, would respectfully represent that the establishment of the proposed Saw Tooth forest reserve in Blaine and Custer Counties in Idaho and the withdrawal from settlement of all entry and sale or other disposition of the public lands within unsurveyed townships six (6) to ten (10) north, both inclusive, ranges ten (10) to fifteen (15) east, both inclusive, Boise Base and Meridian, Idaho, would not establish the objects and purposes evidently intended by such withdrawal and would greatly retard the settlement and development of the resources of that section of Idaho. That of the lands proposed to be included in said Saw Tooth forest reserve of some forty-six thousand acres, there are included, approximately, twenty-five thousand (25,000) acres of agricultural land, fifteen thousand (15,000) acres of grazing lands and six thousand (6,000) acres of scattering timber, the latter being mainly of a character unfit for lumber, and fitted only for mining timber and for uses in agriculture and farm improvements. That this land now withdrawn, temporarily, from settlement is being settled by farmers and stock growers and the mineral resources are in process of development.

With a survey of these lands, settlement of the same would be rapid, and it is the opinion of your memorialists that an investigation will prove the facts stated in this memorial to be well founded and that a permanent withdrawal of said lands and the establishment of the forest reserve as proposed, is not justified by the facts nor demanded by the public welfare.

Your memorialists therefore ask that the order withdrawing, temporarily, said lands from settlement, entry or sale be rescinded and that said proposed Saw Tooth forest reserve be not established.

Passed the Senate on the 28th day of February, 1903.

Passed the House of Representatives on the 2nd day of March, 1903.

SENATE CONCURRENT RESOLUTION NO. 2.

Be it resolved by the Senate, the House of Representatives concurring, that a special committee of five members, consisting of two members of the Senate to be appointed by the President, and three members of the House of Representatives to be named by the Speaker, be appointed to visit the insane asylum at Blackfoot, investigate conditions at that institution and make report by bill or otherwise as said committee may deem best.

Passed the Senate on the 4th. day of February, 1903.

Passed the House of Representatives the 5th. day of February, 1903.

SENATE CONCURRENT RESOLUTION NO. 3.

Whereas, there are numerous appropriations which have not yet been presented to the Committee for final action.

Be it resolved by the members of the Senate, the House concurring that the time for presenting the general appropriation bill be extended until the fifty-fifth day of the session.

Passed the Senate the 23rd. day of February, 1903.

Passed the House of Representatives the 23rd. day of February, 1903.

SENATE CONCURRENT RESOLUTION NO. 7.

Be it resolved by the Senate of the State of Idaho, the House of Representatives concurring, That the committee on finance of the Senate, and the committee on appropriations of the House of Representatives, constitute a joint committee on appropriations with instructions to report a general appropriations bill for the support of the various departments of the State, not later than the thirty-fifth day of this session.

Passed the Senate the thirty-first day of January, 1903.

Passed the House of Representatives the 23rd day of January, 1903.

SENATE JOINT RESOLUTION NO. 4.

A JOINT RESOLUTION INVITING THE MEMBERS OF THE UTAH

LEGISLATURE TO VISIT THE CAPITAL OF THIS STATE AS THE GUESTS OF THE IDAHO LEGISLATURE.

Be it resolved by the Legislature of the State of Idaho, That an invitation be, and is hereby extended to the honorable members of the Utah Legislature to visit the capital of this State during the present session, as guests of the Idaho Legislature, and that the President of the Senate and the Speaker of the House of Representatives be, and are authorized and empowered to make all necessary arrangements for the reception and entertainment of the distinguished representatives of our sister State.

And be it further resolved, That properly authenticated copies of this joint resolution be immediately forwarded to the presiding officers of the Senate and House of Representatives of the Utah Legislature.

Passed the Senate the 13th. day of February, 1903.

Passed the House of Representatives the 13th. day of February, 1903.

SENATE JOINT RESOLUTION NO. 5.

A JOINT RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO INVENTORY EXHIBITS AND ARTICLES LOANED THE STATE FOR EXHIBITION AT THE PAN-AMERICAN EXPOSITION AUTHORIZING SAID COMMITTEE TO DELIVER THE SAID ARTICLES TO THE STATE EMIGRATION COMMISSIONER TO BE BY HIM DELIVERED TO THE OWNERS THEREOF.

Be it resolved by the Legislature of the State of Idaho:

Whereas divers persons loaned articles of curiosity and value to the State of Idaho for exhibition at the Pan-American Exposition, many of which are claimed not to have been returned.

And whereas boxes containing many of said articles are said to be in the basement of the State capitol building some of which are said to have been opened others unopened.

And whereas divers persons claiming to own certain of said exhibits and articles so loaned are demanding the same.

Therefore be it resolved:

SECTION 1. That a committee of three, one from the Senate, to be appointed by the President of the Senate and two from the House to be appointed by the Speaker of the House, be appointed to examine the contents of said boxes

and inventory the same, which inventory shall be filed with the Secretary of State.

SEC. 2. That the said committee shall deliver the said articles and all thereof to the State Emigration Commissioner who shall receive the same.

SEC. 3. That said State Emigration Commissioner shall deliver to any person who owns any of said articles and presents the receipt of the State Commissioner to said Pan-American Exposition or the receipt of any of his deputies for such article or articles or identifies the same with his affidavit such of said articles as may be so identified.

SEC. 4. This resolution shall take effect immediately after its passage.

Passed the Senate the 17th. day of February, 1903.

Passed the House of Representatives the 19th. day of February, 1903.

SENATE JOINT RESOLUTION NO. 8.

TO BE SUBMITTED TO THE ELECTORS OF THE STATE OF IDAHO FOR REJECTION OR APPROVAL, PROPOSING AN AMENDMENT TO SECTION 4 ARTICLE XVIII OF THE CONSTITUTION OF THE STATE OF IDAHO RELATING TO THE CREATION OF NEW COUNTIES.

Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That Section 4 of Article XVIII of the Constitution of the State of Idaho be amended to read as follows:

Section 4. No new county shall be established unless a majority of the qualified electors of the territory proposed to be included in such new county, voting on the proposition at a general election, shall vote in favor of establishing such new county nor shall any new county be established which shall reduce any county to an area of less than four hundred square miles nor the valuation of its taxable property to less than one million dollars. Nor shall any new county be formed which shall have an area of less than 400 square miles, and taxable property of less than one million dollars, as shown by the last previous assessment.

SEC. 2. The question to be submitted to the electors of the State at the next general election shall be as follows, to wit:

Shall Section 4 of Article XVIII of the Constitution of

the State of Idaho be so amended as to prohibit the establishment of a new county unless a majority of the qualified electors of the territory proposed to be included in such new county shall vote in favor thereof?

Passed the Senate the 6th. day of March, 1903.

Passed the House of Representatives the 7th. day of March, 1903.

SENATE JOINT RESOLUTION NO. 9.

MAKING APPLICATION FOR THE CONGRESS OF THE UNITED STATES TO CALL A NATIONAL CONSTITUTION CONVENTION TO AMEND THE CONSTITUTION OF THE UNITED STATES SO AS TO PROVIDE FOR THE ELECTION OF UNITED STATES SENATORS BY DIRECT VOTE OF THE PEOPLE OF THE SEVERAL STATES.

Be it resolved by the Legislature of the State of Idaho:

That application is hereby made to Congress under the provisions of Article V. of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people.

Resolved, further, That the Secretary of State is directed to transmit copies of this application to the Senate and House of Representatives of Congress and copies to the members of the said Senate and House of Representatives for this State; also to transmit copies hereof to the presiding officers of each of the Legislatures now in session in the several States, requesting their co-operation.

Passed the Senate the 28th. day of February, 1903.

Passed the House of Representatives the 3rd. day of March, 1903.

SENATE JOINT RESOLUTION NO. 10.

A JOINT RESOLUTION RECOMMENDING TO THE ELECTORS OF THE STATE OF IDAHO, THAT A CONSTITUTION CONVENTION, BE CALLED TO REVISE AND AMEND THE CONSTITUTION OF THE STATE AND SUBMITTING TO THE ELECTORS OF THE STATE OF IDAHO THE QUESTION "SHALL THERE BE A CONSTITUTIONAL CONVENTION, CALLED BY THE EIGHTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, TO REVISE AND AMEND THE CONSTITUTION."

Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That it is deemed necessary to call a constitutional convention to revise and amend the con-

stitution of the State of Idaho; we recommend that the electors of the State of Idaho, at the next general election of this State, vote for or against a constitutional convention.

SEC. 2. The question to be submitted to the electors of the State of Idaho, at the next general election, shall be in form as follows: "Shall there be a constitutional convention called by the Eighth Session of the Legislature of the State of Idaho to revise and amend the Constitution."

Passed the Senate the 2nd. day of March, 1903.

Passed the House of Representatives on the 4th. day of March, 1903.

UNITED STATES OF AMERICA,
STATE OF IDAHO.

I, Will H. Gibson, Secretary of State, of the State of Idaho, do hereby certify that the foregoing printed volume contains true and literal copies of all the laws, memorials and resolutions passed by the Legislature of the State of Idaho, at the Seventh Session thereof, (which convened on the 5th day of January, 1903, and adjourned on the 7th day of March, 1903), as appears from the enrolled acts, memorials and resolutions now on file in this office, and that the same are published under the authority of the State of Idaho.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise, the capital, this 15th day of May, in the year of our Lord one thousand nine hundred and three, and of the independence of the United States of America the one hundred and twenty-seventh.

Will H. Gibson

Secretary of State.

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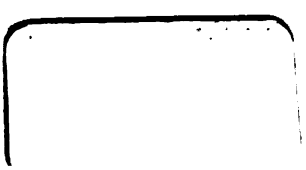
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